

THE *J. Rogers*
GENERAL STATUTES

OF THE

STATE OF MINNESOTA:

REVISED BY COMMISSIONERS APPOINTED UNDER AN ACT APPROVED FEBRUARY 17, 1868, AND
ACTS SUBSEQUENT THERETO, AMENDED BY THE LEGISLATURE,
AND PASSED AT THE SESSION OF 1866.

TO WHICH

THE CONSTITUTION OF THE UNITED STATES, THE ORGANIC ACT, THE
ACT AUTHORIZING A STATE GOVERNMENT, AND THE
CONSTITUTION OF THE STATE OF MINNESOTA,

ARE PREFIXED;

AND A LIST OF ACTS PREVIOUSLY REPEALED,

A GLOSSARY, AND INDEX, ARE ADDED.

Edited and Published under the authority of Chapters 15 and 16 of
the Laws of 1866.

ST. PAUL.
PUBLISHED BY DAVIDSON & HALL,
STATE PRINTERS, 170 THIRD STREET.
1872.

SPECIAL INDEX TO INTRODUCTION.

CONSTITUTION OF THE UNITED STATES.

	Art.	Sec.	Page
<i>Acts, records and judicial proceedings of each state, how entitled in other states,</i>	4	1	9
<i>Amendments, to constitution, how made,</i>	5	1	10
<i>Appropriations by law.—See Treasury,</i>	1	9	9
<i>Attainder, bill of, prohibited,</i>	1	9	9
<i>Attainder of treason, effect of,</i>	3	3	9
<i>Bills for raising revenue, shall originate in the house of representatives,</i>	1	7	4
<i>before they become laws, shall be passed by both houses and approved by the president; or, if disapproved, shall be passed by two-thirds of each house,</i>	1	7	4
<i>not returned in ten days, unless an adjournment intervene, shall be considered as approved,</i>	1	7	4
<i>Capitation tax.—See Tax,</i>	1	9	5
<i>Census, or enumeration, to be made every ten years,</i>	1	2	2
<i>Claims of the United States, or of the several States, not to be prejudiced by any construction of the constitution,</i>	4	3	9
<i>Citizens of each state shall be entitled to the privileges and immunities of citizens in the several states,</i>	4	2	9
<i>Commerce, regulations respecting, to be equal and uniform,</i>	1	9	6
<i>Congress, vested with legislative power,</i>	1	1	2
<i>may alter the regulations of state legislatures concerning elections of senators and representatives, except as to place of choosing senators,</i>	1	4	3
<i>shall assemble once every year,</i>	1	4	3
<i>may provide for cases of removal of president and vice-president,</i>	2	1	7
<i>may determine the time of choosing electors of president and vice-president,</i>	2	1	7
<i>may invest the appointment of inferior officers in the president alone, in the courts of law or the heads of departments,</i>	2	2	8
<i>may from time to time establish courts inferior to the supreme court,</i>	3	1	8
<i>may (with one limitation) declare the punishment of treason,</i>	3	3	9
<i>may prescribe the manner of proving the acts, records and judicial proceedings of each state,</i>	4	1	9
<i>the assent of, required to the formation of a new state within the jurisdiction of any other, or by the junction of two or more,</i>	4	3	9
<i>may propose amendments to the constitution, or, on application, call a convention,</i>	5	1	10
<i>the assent of, required to the admission of new states into the union,</i>	4	3	9
<i>to lay and collect duties on imposts and excises,</i>	1	8	4
<i>to borrow money,</i>	1	8	4
<i>to regulate commerce,</i>	1	8	4
<i>to establish uniform laws of bankruptcy and naturalization,</i>	1	8	4
<i>to coin money, regulate the value of coin, and fix the standard of weights and measures,</i>	1	8	4
<i>to punish counterfeiting,</i>	1	8	5
<i>to establish post-offices, and post-roads,</i>	1	8	5
<i>to authorize patents to authors and inventors,</i>	1	8	5
<i>to constitute tribunals inferior to the supreme court,</i>	1	8	5
<i>to define and punish piracies, felonies on the high seas, and offenses against the laws of nations,</i>	1	8	5
<i>to declare war, grant letters of marque, and make rules concerning captures,</i>	1	8	5
<i>to raise and support armies,</i>	1	8	5

MINNESOTA STATUTES 1866

706

SPECIAL INDEX TO INTRODUCTION.

	Art.	Sec.	Page.
<i>Congress</i> to provide and maintain a navy, - - - - -	1	8	5
to make rules for the government of the army and navy, - - - - -	1	8	5
to call for the militia in certain cases, - - - - -	1	8	5
to organize, arm, and discipline militia, - - - - -	1	8	5
to exercise exclusive legislation over ten miles square, - - - - -	1	8	5
to pass laws necessary to carry the enumerated powers into effect, - - - - -	1	8	5
to dispose of and make rules concerning the territory or other property of the United States, - - - - -	4	3	9
to enforce 13th amendment providing for abolition of slavery, 13th amendment, - - - - -	13	2	13
<i>Constitution</i> , formed by the people of the United States, <i>Preamble</i> , - - - - -	5	1	10
how amended, - - - - -	6	1	10
and the laws under it, and treaties, declared to be the supreme law, - - - - -	7	1	10
rendered operative by the ratification of the convention of nine states, - - - - -	5	1	10
<i>Conventions</i> , for proposing amendments to constitution, - - - - -	3	2	8
<i>Court</i> , supreme, its original and appellate jurisdiction, - - - - -	3	1	8
<i>Courts</i> , inferior to the supreme court, may be ordained by congress, - - - - -	4	2	9
<i>Crimes</i> , persons accused of, fleeing from justice, may be demanded, - - - - -	6	1	10
<i>Debts</i> , against the confederation to be valid against the United States under this constitution, - - - - -	1	9	6
<i>Duties</i> , on exports prohibited, - - - - -	1	10	6
on imports and exports imposed by state shall inure to the treasury of the United States, - - - - -	1	4	3
<i>Elections</i> , of senators and representatives, shall be prescribed by the state legislatures, as to time, place and manner, - - - - -	1	5	3
qualifications and returns of members of congress to be determined by each house, - - - - -	2	1	6
<i>Electors</i> of president and vice-president, how chosen and their duties, - - - - -	2	1	6
and 12th amendment, - - - - -	2	1	6
shall vote same day throughout the United States, - - - - -	2	1	6
no senator or representative holding office under the United States shall serve as - - - - -	1	2	2
<i>Enumeration</i> .—See <i>Census</i> , - - - - -	2	1	2
<i>Executive power</i> shall be vested in a president.—See <i>President</i> , - - - - -	1	9	6
<i>Exports</i> .—See <i>Tax</i> , - - - - -	1	10	6
and imports, duties are by states, to be payable into the treasury of the United States, - - - - -	1	9	5
<i>Ex post facto law</i> , none shall be passed, - - - - -	1	9	5
<i>Habeas corpus</i> , writ of, can only be suspended in cases of rebellion or invasion, - - - - -	1	2	2
<i>House of Representatives</i> .—See <i>Representatives</i> , - - - - -	1	3	2
<i>House</i> .—See <i>Senate</i> , - - - - -	2	4	3
<i>Impeachment</i> , all civil officers liable to, - - - - -	1	3	3
persons found guilty by, liable to indictment and punishment for the offense, - - - - -	1	9	5
<i>Importation of slaves</i> , until prohibited, a duty authorized on after 1808, - - - - -	3	1	8
<i>Judges</i> , shall hold their offices during good behavior, - - - - -	3	1	8
the compensation of, shall not be diminished during continuance in office, - - - - -	3	1	8
<i>Judicial Power</i> , vested in a supreme court and courts inferior, - - - - -	3	2	8
the cases to which it extends, - - - - -	4	1	9
<i>Judicial Proceedings</i> , records and acts of each state, are entitled to faith and credit in every other state, - - - - -	3	2	8
<i>Jury trial</i> shall be held in the state where the crime shall have been committed, - - - - -	3	2	8
if the crime has not been committed within a state, the trial shall be held at the place congress shall have directed, - - - - -	3	2	8
<i>Jury</i> , trial by, <i>secured</i> , in prosecution for all crimes, except in cases of impeachment, and in suits at common law, where the value in controversy shall exceed twenty dollars, 7th amendment, - - - - -	6	1	10
<i>Law</i> , supreme, the constitution, the laws under it, and treaties declared to be, - - - - -	1	1	2
<i>Legislative powers</i> , vested in congress.—See <i>Congress</i> , - - - - -	1	9	6
<i>Money</i> , shall be drawn from the treasury only by laws appropriating, - - - - -	1	9	6
<i>Nobility</i> , titles of, shall not be granted by the United States, - - - - -	1	3	3
<i>Officers of the senate</i> , except the president, shall be chosen by the senate, - - - - -	2	4	8
civil, may be removed by impeachment, - - - - -	1	7	4
<i>Orders of one house</i> , requiring the concurrence of the other.—See <i>Resolution</i> , - - - - -	1	9	5
<i>Persons held to labor or service</i> , their importation or emigration into the United States may be prohibited after 1808, - - - - -	4	2	9
escaping from one state into another, shall be delivered up to those entitled to service, - - - - -	1	1	12
<i>Powers not delegated</i> are reserved to the people, or, when not prohibited, to the states, 10th amendment - - - - -	1	12	

MINNESOTA STATUTES 1866

	Art.	Sec.	Page.
<i>Powers, legislative.—See Congress,</i>	1	1	2
<i>executive.—See President,</i>	2	1	6
<i>judicial.—See Judicial,</i>	3	1	8
<i>Presents, emoluments, office, or title from a foreign king, prince or state, to persons holding offices of profit or trust, prohibited,</i>	1	9	6
<i>President of the United States, vested with the executive power shall be chosen for four years,</i>	2	1	6
<i>how elected,</i>	2	1	6
<i>qualifications for,</i>	2	1	6
<i>compensation of,</i>	2	1	6
<i>shall take oath of office,</i>	2	1	6
<i>may be removed by impeachment,</i>	2	4	8
<i>President of the United States, powers of—</i>	2	2	7
<i>shall be commander-in-chief of army and navy,</i>	2	2	7
<i>may require the written opinions of the heads of departments,</i>	2	2	8
<i>may reprieve and pardon,</i>	2	2	8
<i>may make treaties, with consent of the senate,</i>	2	2	8
<i>may appoint to office, with consent of the senate,</i>	2	2	8
<i>shall fill up vacancies happening during the recess of the senate,</i>	2	2	8
<i>President of the United States, duties of—</i>	2	3	8
<i>shall give information to congress, and recommend measures,</i>	2	3	8
<i>may convene both houses or either house,</i>	2	3	8
<i>may adjourn them in case of disagreement,</i>	2	3	8
<i>shall receive ambassadors and other public ministers,</i>	2	3	8
<i>shall take care that the laws be faithfully executed,</i>	2	3	8
<i>shall commission all officers of the United States,</i>	2	3	8
<i>in case of death, etc., office devolve on the vice president, and on such other officer as may be provided by law,</i>	2	1	7
<i>Privileges and immunities of citizens of states.—See Citizens.</i>	4	2	9
<i>Property shall not be taken for public use without just compensation, 5th amendment,</i>	1	11	11
<i>Quorum, what shall be for business,</i>	1	5	3
<i>of states, in choosing a president by the house of representatives,</i>	2	1	6
<i>Receipts and expenditures, accounts of, to be published,</i>	1	9	6
<i>Records.—See Judicial Proceedings,</i>	4	1	9
<i>Representatives, house of, composed of members chosen every second year,</i>	1	2	2
<i>qualifications of the electors of its members,</i>	1	2	2
<i>qualifications of members,</i>	1	2	2
<i>shall not exceed one for 30,000,</i>	1	2	2
<i>shall choose their speaker and other officers,</i>	1	2	2
<i>shall have the power of impeachment,</i>	1	2	2
<i>shall be the judge of the returns, elections and qualifications of its members,</i>	1	5	3
<i>what shall be a quorum of,</i>	1	5	3
<i>any number may adjourn, and compel the attendance of absentees,</i>	1	5	3
<i>may determine the rules of proceeding,</i>	1	5	3
<i>may punish or expel a member,</i>	1	5	3
<i>shall keep a journal, and publish the same, except the parts requiring secrecy,</i>	1	5	3
<i>shall not adjourn for more than three days, nor to any other place, without the consent of the senate,</i>	1	5	3
<i>one-fifth of present may require the yeas and nays,</i>	1	5	3
<i>shall originate bills for raising revenue,</i>	1	7	4
<i>shall receive a compensation, to be ascertained by law,</i>	1	6	3
<i>privileged from arrest during attendance, and in going and returning, except in certain cases,</i>	1	6	3
<i>shall not be questioned elsewhere for any speech or debate in the house,</i>	1	6	4
<i>shall not be appointed to the offices created, or whose compensations shall have been increased, during the time for which they are elected,</i>	1	6	4
<i>can, while serving, hold no office under the United States,</i>	1	6	4
<i>shall not serve as primary electors of president,</i>	2	1	6
<i>Representatives and direct taxes apportioned according to numbers,</i>	1	2	2
<i>Representation of a state, vacancies in, supplied until a new election, by the executive authority thereof,</i>	1	2	2
<i>Resolution, order, or vote, requiring the concurrence of both houses, [except for an adjournment,] shall be presented to the president, and undergo the formalities of bills,</i>	1	7	4
<i>Revenue.—See Vessels,</i>	1	9	6
<i>Rights of the Citizen declared to be—</i>	1	11	11
<i>liberty of conscience in matters of religion, - - - Amendment,</i>	1	11	11

MINNESOTA STATUTES 1866

	Art.	Sec.	Page
<i>Rights of the Citizen</i> declared to be—			
freedom of speech and of the press,	1		11
to assemble and petition,	1		11
to keep and bear arms,	2		11
to be exempt from the quartering of soldiers in any house, in time of peace, without the consent of the owner; and in time of war unless prescribed by law,	3		11
to be secure from unreasonable searches and seizures,	4		11
to be free, except in the army, navy and militia, from answering for a capital or otherwise infamous crime, unless on presentment or indictment of a grand jury,	5		11
not to be jeopardized twice for the same offense,	5		11
not to be compelled in criminal cases to be a witness against himself,	5		11
not to be deprived of life, liberty, or property, without due course of law, private property shall not be taken for public use, without just compensation,	5		11
that the accused, in criminal prosecution, shall enjoy the right of a speedy public trial by an impartial jury of the vicinage; and the means necessary for his defence,	6		12
that in civil cases, facts tried by a jury shall only be re-examined according to the rules of the common law,	7		12
that in suits at common law, where the value shall exceed twenty dollars, the right of trial by jury shall be preserved,	7		12
that excessive bail shall not be required, excessive fines imposed, nor cruel or unusual punishments inflicted,	8		12
that the enumeration of certain rights shall not operate constructively against the retained rights,	9		12
<i>Rules</i> , each house shall determine its own,	1	5	3
<i>Senate of the United States</i> ; composed of two senators from each state,	1	3	2
how chosen, classed, and terms of service,	1	3	2
qualifications of members, thirty years of age, nine years a citizen, and an inhabitant of the state,	1	3	2
shall choose their officers, except the president,	1	3	3
shall be the judge of the elections, returns, and qualifications of its members,	1	5	3
what number shall be a quorum,	1	5	3
any number may adjourn, and compel attendance of absentees,	1	5	3
may determine its rules,	1	5	3
may punish or expel a member,	1	5	3
shall keep a journal, and publish the same, except parts requiring secrecy,	1	5	3
shall not adjourn for more than three days, nor to any other place, without the consent of the other house,	1	5	3
one-fifth of present may require the yeas and nays,	1	5	3
may propose amendments to bills for raising revenue,	1	7	4
shall try impeachments,	1	3	3
their judgments only to extend to removal from office, and to disqualify for any other,	1	3	3
members shall receive a compensation to be ascertained by law,	1	6	3
privileged from arrest,	1	6	3
shall not be questioned elsewhere for any speech or debate in the house, shall not be appointed to offices of the United States, created, or whose emoluments shall have been increased during the terms for which they were elected;	1	6	4
<i>Senators and Representatives</i> , elections of, how prescribed,	1	4	3
<i>Senator</i> shall not be an elector of president,	2	1	6
<i>Slavery</i> shall not exist within the United States, or any place subject to their jurisdiction—13th amendment,			13
<i>Slaves</i> .—See <i>Persons</i> held to service,	4	2	9
<i>Speaker</i> , how chosen,	1	2	2
<i>States prohibited from</i> —			
entering into any treaty, alliance, or confederation,	1	10	6
granting letters of marque,	1	10	6
coining money,	1	10	6
emitting bills of credit,	1	10	6
making anything a tender but gold and silver coin,	1	10	6
passing bills of attainder, ex post facto laws, or laws impairing contracts,	1	10	6
granting titles of nobility,	1	10	6
laying impost, or duties on imports and exports for their own use,	1	10	6
laying duties on tonnage without the consent of congress,	1	10	6

MINNESOTA STATUTES 1866

	Art.	Sec.	Page.
<i>States to be prohibited from—</i>			
keeping troops or ships of war in time of peace, - - - - -	1	10	6
entering into any contract or agreement with another state, or a foreign power, - - - - -	1	10	6
engaging in war, unless invaded, or imminent danger, - - - - -	1	10	6
<i>States, new, may be admitted into the Union, - - - - -</i>	4	3	9
may be formed within the jurisdiction of others, or by the junction of two or more, with the consent of congress and the legislatures concerned, - - - - -	4	3	9
<i>States, Judges of, bound to consider the treaties, the constitution, and the laws under it as supreme, - - - - -</i>	6	1	10
<i>States, majority of all, necessary to the choice of president, - - - - -</i>	2	1	6
<i>State, each to be guaranteed a republican form of government; protected against invasion; and secured upon application against domestic violence, - - - - -</i>	4	4	9
<i>Tax, capitation or direct, shall be laid only in proportion to census, - - - - -</i>	1	9	5
<i>Tax, on exports from a state, prohibited, - - - - -</i>	1	9	6
<i>Taxes, direct, shall be apportioned according to representation, - - - - -</i>	1	2	2
<i>Territory, or property belonging to the United States, congress may make rules concerning, - - - - -</i>	4	3	9
<i>Test, religious, shall not be required, - - - - -</i>	6	1	10
<i>Titles. See Nobility, - - - - -</i>	1	9	5
<i>Title from foreign state. See Presents, - - - - -</i>	1	9	5
<i>Treason defined, - - - - -</i>	3	3	9
two witnesses, or confession, necessary for conviction, - - - - -	3	3	9
punishment of, may be prescribed by congress, with one limitation, - - - - -	3	3*	9
<i>Treason, or other crime, persons charged with in one state, fleeing into another, shall on demand be delivered up, - - - - -</i>	4	2	9
<i>Treasury, money drawn from only by appropriation, - - - - -</i>	1	-9	6
<i>Treaties, the supreme law, - - - - -</i>	6	1	10
<i>Vacancies happening during recess of the senate, may be filled temporarily by the president, - - - - -</i>	2	2	8
in representation in congress, how filled, - - - - -	1	2	2
<i>Vessels to enter, clear, and pay duties in the states in which they arrive, or from which they depart, - - - - -</i>	1	9	6
<i>Vice-President of the United States—</i>			
to be president of the senate, except when exercising the office of president of the United States, - - - - -	1	3	3
how elected, - - - - -	2	1	6
qualifications for,—12th amendment, - - - - -	2	1	12
shall in certain cases discharge the duties of president, - - - - -	2	1	6
may be removed by impeachment, - - - - -	2	4	8
may be removed by impeachment, - - - - -	1	7	4
<i>Vote of one house, requiring the concurrence of the other, - - - - -</i>	1	7	4
<i>Warrants for searches and seizures, when and how they shall issue,—4th amendment, - - - - -</i>			11
<i>Witness, in criminal cases, no one compelled to be against himself,—5th amendment, - - - - -</i>			11
ORGANIC ACT OF MINNESOTA.			14
<i>Actions pending, transfer of, - - - - -</i>	15	20	14
<i>Appeals, how allowed, - - - - -</i>	9	17	17
<i>Apportionment, for legislative elections, - - - - -</i>	4	15	15
<i>Appropriations for contingent expenses, - - - - -</i>	11	18	18
<i>Associate justices, appointed, - - - - -</i>	11	18	18
<i>Attorney of territory, term, fees, &c., - - - - -</i>	10	18	18
appointment of, - - - - -	10	13	13
<i>Bills of exception, how allowed, - - - - -</i>	9	17	17
<i>Boundaries of territory, - - - - -</i>	1	14	14
<i>Census, to be before first election, - - - - -</i>	4	15	15
<i>Chief Justice, - - - - -</i>	9	17	17
appointment of, - - - - -	11	18	18
oath, salary, - - - - -	11	18	18
<i>Citizens of United States; no other to vote; exception, - - - - -</i>	5	16	16
<i>Clerk of district court, appointed, duties, - - - - -</i>	9	17	17
<i>Clerk of supreme court, appointed, duties, fees, - - - - -</i>	9	17	17
<i>Constables, to continue in office, - - - - -</i>	16	20	20
<i>Council, organization, &c., - - - - -</i>	4	15	15
<i>County officers, appointed, - - - - -</i>	7	17	17
<i>Crimes, what may be prosecuted, &c., - - - - -</i>	15	20	20
<i>Delegate to congress, election, &c., - - - - -</i>	14	20	20
<i>District courts, organization, jurisdiction, &c., - - - - -</i>	9	17	17
clerks of, to be registers in chancery, - - - - -	9	17	17

MINNESOTA STATUTES 1866

	Sec.	Page
<i>District officers</i> , when governor and council to appoint,	7	17
<i>Elections</i> , to legislature,	4	15
who may vote at,	5	16
to congress, provided for,	14	20
<i>Governor</i> , office, powers, &c.,	2	15
order new election to legislature if tie,	4	15
when appoint town, county, &c., officers,	7	17
appointment, oath, salary,	11	18
appoint seat of government,	13	19
lay out judicial districts and assign judges,	19	21
<i>House of representatives</i> .—See <i>Representatives</i> ,	4	15
<i>Indians</i> , governor superintendent of,	2	15
<i>Judicial districts</i> , governor to define, &c.,	19	21
<i>Judicial organization</i> ,	9	17
<i>Jurisdiction of courts</i> , &c.,	9	17
<i>Justice</i> . See <i>Chief Justice</i> ;	9	17
<i>Justices of the peace</i> ; to exist;	9	17
jurisdiction of,	9	17
authority to continue,	16	20
<i>Laws</i> , enacted and approved, how,	20	21
of Minnesota, to be those of Wisconsin,	12	19
<i>Legislature</i> , constitution, election, &c., of,	4	15
extent of powers of,	6	17
what office members not to hold; who not to be member,	8	17
compensation of members,	11	18
first session where,	13	19
how to pass laws,	20	21
<i>Library</i> for government,	17	20
<i>Marshal</i> , term, duties, compensation,	10	18
appointment, oath,	11	18
<i>Obligations</i> , how to continue in force,	15	20
<i>Penalties</i> , &c., how to continue to be recovered,	15	20
<i>President of United States</i> , what officers to appoint,	11	18
<i>Probate courts</i> , to exist; jurisdiction,	9	17
<i>Qualifications</i> for legislature,	4	15
of voters,	5	16
<i>Register in chancery</i> , district clerk court to be,	9	17
<i>Representatives</i> , house of; constitution*of; election to,	4	15
<i>Salaries</i> of officers,	12	19
<i>Schools</i> , lands reserved for,	18	21
<i>Secretary of territory</i> ; duties, &c.,	3	15
appointment, &c., of,	11	18
<i>Sheriffs</i> , to continue in office,	16	20
<i>Superintendent of Indian affairs</i> ,	2	15
<i>Supreme court</i> , constitution, &c., of,	9	17
appointment of judges, oaths, &c.,	11	18
salary of judges,	11	18
<i>Tie in vote</i> for legislature, proceedings,	4	15
<i>Township officers</i> , appointment,	7	17
<i>United States</i> , officer of, not to be member of legislature,	8	17
laws of, extended over territory,	12	19
delegate to congress of,	14	20
<i>Voter</i> , qualifications of,	5	16
<i>Wisconsin</i> , laws and constitution of adopted,	12	19
<i>Writs of error</i> , &c., how taken,	9	17
 ACT AUTHORIZING A STATE GOVERNMENT,	 1	 22
<i>Boundaries</i> of state,	1	22
<i>Census</i> taken if government formed,	4	23
<i>Constitution</i> authorized,	1	22
<i>Convention on constitution</i> , how called, &c.,	3	23
propositions for action by same,	5	23
<i>Government</i> , authorized,	1	22
<i>Governor</i> , proposed to select lands for university and public buildings,	5	23
to select salt-springs for state,	5	23
<i>Internal improvements</i> , appropriation for,	5	23
<i>Jurisdiction of State</i> on Mississippi, &c.,	2	22
<i>Lands</i> .—See <i>Public Lands</i> ,	3	23
<i>Public buildings</i> , lands proposed for,	5	23

MINNESOTA STATUTES 1866

SPECIAL INDEX TO INTRODUCTION.

711

	Sec.	Page.
<i>Public lands, for schools,</i>	5	23
<i>for state university,</i>	5	23
<i>for public buildings,</i>	5	23
<i>for state purposes,</i>	5	23
<i>for public roads and internal improvements,</i>	5	23
<i>Representatives in congress, provision for,</i>	4	23
<i>Salt-springs to be for use of state,</i>	5	23
<i>Schools, public lands for,</i>	5	23
<i>State government, authorized,</i>	1	22
<i>University, public land for,</i>	5	23
CONSTITUTION OF THE STATE OF MINNESOTA.		25
<i>Absence, when not to affect residence for purpose of voting,</i>	7	3 34
<i>Actions; penal and civil, on bonds, recognizances, forfeiture, &c., to vest in the state,</i>	SCHEDULE	4 37
<i>Adjournment, power of each house on bills not to be passed on day of</i>	4	6 29
<i>of reporter of supreme court, and vacancy in office of clerk of same,</i>	4	22 31
<i>Allodial, all lands declared to be</i>	1	15 26
<i>Amendments to Constitution, mode of making</i>	14	1 42
<i>mode of revising same,</i>	14	2 42
<i>Appointments, state librarian, notaries public, commissioners, &c., how made,</i>	5	4 32
<i>to fill vacancies in offices,</i>	5	4 32
<i>of reporter of supreme court, and vacancy in office of clerk of same,</i>	6	2 33
<i>Apportionment, for legislative and congressional purposes, when to be made,</i>	4	23 31
<i>for congressional, at first election,</i>	SCHEDULE	9 44
<i>for legislative, at first election,</i>	SCHEDULE	12 45
<i>Army, standing, in time of peace, prohibited,</i>	1	14 26
<i>Attainder, bill of prohibited,</i>	1	11 26
<i>Attorney General, an executive officer, how chosen,</i>	5	1 32
<i>term of office, salary of first term,</i>	5	5 33
<i>Auditor of State, an executive officer, how chosen,</i>	5	1 32
<i>term of office, salary of first term,</i>	5	5 33
<i>Bail, shall not be excessive,</i>	1	5 25
<i>all persons entitled to, exception,</i>	1	7 26
<i>Ballot, all elections to be by, exception,</i>	7	6 34
<i>Banks, property of, how taxed,</i>	9	4 38
<i>public funds not to be deposited in</i>	9	12 39
<i>law for chartering may be enacted, with certain restrictions,</i>	9	13 39
<i>Bills, rules regulating passage of</i>	4	20 30
<i>to be signed by presiding officer of each house,</i>	4	21 31
<i>penalty of refusal to sign,</i>	4	21 31
<i>how certified to governor in such case,</i>	4	21 31
<i>not to be passed on day of adjournment, construction of this rule,</i>	4	22 31
<i>Bonds of State.—See State Debt.</i>	9	5 38
<i>Boundary of State, how defined,</i>	2	1 27
<i>Bribery, disqualification of persons convicted of,</i>	4	15 30
<i>Census, to be taken in 1865, and every ten years thereafter,</i>	4	23 31
<i>Church, not to be supported by state,</i>	1	16 27
<i>property of not exempt from taxation,</i>	9	3 38
<i>Citizens, rights of (see elective franchise)</i>	15	3 42
<i>Cities, when may be organized as counties,</i>	11	2 41
<i>Clerk of supreme court, how elected, term of office, vacancy in,</i>	6	2 33
<i>of probate court,</i>	6	7 36
<i>of district court,</i>	6	13 35
<i>Commissioners of deeds, how appointed,</i>	5	4 32
<i>Congress, members, three to be elected, state one district,</i>	SCHEDULE	9 44
<i>Constitution, mode of amending</i>	14	1 42
<i>mode of revising</i>	14	2 42
<i>to be deposited in office of governor,</i>	SCHEDULE	8 44
<i>a certified copy to be sent to the president of the United States, if adopted,</i>	SCHEDULE	8 44
<i>shall be submitted to vote of people,</i>	SCHEDULE	16 46
<i>mode of voting on</i>	SCHEDULE	18 46
<i>effect of if adopted,</i>	SCHEDULE	18 46
<i>effect of if not adopted,</i>	SCHEDULE	22 47
<i>Contracts, obligations of not to be impaired,</i>	1	11 26
<i>Corporations, definition of, rights and privileges of</i>	10	1 40
<i>restrictions, exceptions,</i>	10	2 40
<i>liability of stockholders in</i>	10	3 40
<i>how lands may be taken for use of</i>	10	4 40
<i>duties as common carriers,</i>	10	4 40

MINNESOTA STATUTES 1866

	Art.	Sec.	Page.
<i>Courts, (see supreme, district and probate courts) pleading and proceedings in</i>	6	14	35
successors of territorial courts, - - - - - SCHEDULE		4	43
<i>Court commissioner, jurisdiction, who may be,</i>	6	15	35
<i>Counties, provisions for forming and changing, seats of justice in, &c.,</i>	11	1	40
cities may be organized as counties,	11	2	41
election of officers,	11	4	41
powers of local taxation,	11	5	41
how money may be drawn from treasury,	11	6	41
territory west of state line, - - - - - SCHEDULE		11	45
<i>Crimes, rights of persons charged with,</i>	1	6	25
same subject,	1	7	26
conviction of, not to work corruption of blood or forfeiture of estate,	1	12	26
disqualification of persons convicted of certain,	4	15	26
same subject,	7	2	36
<i>Debt, imprisonment for prohibited, except for fraud in contracting same,</i>	1	12	26
of state, limits of, manner of contracting, &c.,	9	5	38
<i>District courts, how composed, number of judges, how chosen, term of office,</i>	6	4	34
jurisdiction, &c.,	6	5	34
qualification of judges, compensation not to be diminished,	6	6	34
judges, ineligible to other offices, votes cast for void; exception,	6	11	35
change of district not to vacate office of judge,	6	12	35
clerk of elective, &c.,	6	13	35
<i>Districts, for congressional purposes,</i>		9	44
for legislative purposes, - - - - - SCHEDULE		10	44
twenty-second district, vote of, where and by whom to be canvassed,		13	45
for judicial purposes, - - - - - SCHEDULE		14	45
each judicial may elect a prosecuting attorney, - - - - - SCHEDULE		15	46
<i>Divorces, legislature prohibited from granting,</i>	4	28	31
<i>Education.—See School fund,</i>	9	12	39
<i>Election, to fill vacancy in legislature,</i>	4	17	30
contested,	4	17	30
by legislature, to be <i>viva voce</i> , &c.,	4	30	32
of executive officers, to whom returns made, and by whom canvassed, &c.,	5	2	32
on day of, arrests in civil cases prohibited,	7	5	36
all to be by ballot, exception,	7	6	36
laws of continued in force, - - - - - SCHEDULE		7	44
<i>Election, when held for voting on constitution and election of state officers,</i>		16	46
manner of conducting, returns how made, precincts of, exception, - - - - - SCHEDULE		19	46
duties of officers of, - - - - - SCHEDULE		20	40
provisions relating to returns of the first election, who to canvass votes for officers at large, - - - - - SCHEDULE		21	47
<i>Electors, qualifications of, four classes,</i>	7	1	35
persons disqualified from being,	7	2	36
residence of not affected by absence,	7	3	36
privileged from arrest, - - - - -	7	5	36
who may vote at first election, - - - - - SCHEDULE		17	46
<i>Embezzlement, of public funds, what constitutes, declared a felony,</i>	9	12	39
<i>Enabling act, accepted, etc.,</i>	2	3	27
<i>Executive department, of what officers composed and how chosen,</i>	5	1	32
terms of office, when to commence and end,	5	7	33
members of to take oath of office, - - - - -	5	8	33
<i>Exemption, of property from sale, a certain amount to be determined by law,</i>	1	12	26
<i>Ex post facto laws, prohibited,</i>	1	12	26
<i>Fines, excessive, shall not be imposed,</i>	1	5	25
accruing to territory, to inure to state, - - - - - SCHEDULE		3	43
<i>Government, object of,</i>	1	1	25
distribution of powers of government; prohibition, - - - - -	3	1	27
<i>Governor, head of executive department,</i>	3	1	27
to approve all laws, - - - - -	4	11	29
to issue writs of election to fill vacancies in legislature, - - - - -	4	17	30
to be chosen by electors of state, - - - - -	5	1	32
term of office and qualifications of, - - - - -	5	3	32
to communicate by message to legislature at each session the condition of the state, etc., - - - - -	5	4	32
shall be commander-in-chief of, and call out militia, etc., - - - - -	5	4	32
may require opinion of other executive officers on subjects relating to their department, - - - - -	5	4	32

MINNESOTA STATUTES 1866

SPECIAL INDEX TO INTRODUCTION.

713

	Art.	Sec.	Page.
<i>Governor</i> may grant reprieves and pardons, exceptions,	5	4	32
with senate, may appoint state librarian and notaries public,	5	4	32
may appoint commissioners of deeds,	5	4	32
has negative on laws,	5	4	32
may convene legislature,	5	4	32
shall see that the laws are executed,	5	4	32
may appoint to vacancies in certain offices,	5	4	32
salary of first term,	5	5	33
vacancy in office, office to devolve on lieut. governor,	5	6	33
to appoint to fill vacancy in office of any judge,	6	10	35
<i>Habeas corpus</i> , shall not be suspended, exception,	1	7	26
<i>Historical Society of Minnesota</i> . See <i>Seat of Government</i> ,	15	1	42
<i>Impeachment</i> , house of representatives has sole power of,	4	14	30
shall be tried by senate,	4	14	30
who liable to,	13	1	41
extent of judgment on,	13	1	41
liability to other punishment,	13	1	41
person impeached forbidden to exercise duties of office before acquittal,	13	3	41
of governor, lieutenant-governor not to sit on trial,	13	4	41
copy of to be served on person before trial,	13	5	41
<i>Judiciary Department</i> , powers of vested in certain courts, (see <i>Courts</i> .)	6	1	33
<i>Judges</i> , other than those provided for in this constitution, how elected, term of office,	6	9	35
vacancy in office of, to be filled by appointment by governor,	6	10	35
<i>Judicial districts</i> , six created,	6	4	34
changes in, not to vacate office of any judge,	6	12	35
<i>Jurisdiction of state</i> , concurrent on waters forming common boundary,	2	2	27
<i>Jury</i> , rights of trial by secured, but may be waived,	1	4	25
<i>Jury</i> , no trial by in supreme court,	6	2	33
<i>Justices of the Peace</i> , number to be elected in each county, term of office, compensation, jurisdiction,—prohibition,	6	8	35
<i>Judge of Probate</i> , election of, term of office, jurisdiction, powers and duties,	6	7	34
may be court commissioner,	6	15	35
<i>Lands</i> , all allodial, feudal tenures prohibited,	1	15	26
leases of agricultural, in certain cases void,	1	15	26
of individuals, how taken for use of corporations,	10	4	40
<i>Laws</i> ,— <i>ex post facto</i> , impairing the obligation of contracts, and bills of attainder, prohibited,	1	11	26
must be approved by governor,	4	11	29
how passed over governor's veto,	4	11	29
how bills to become laws without approval of governor,	4	11	29
style of,	4	13	30
must be passed by majority elected to both houses,	4	13	30
each law to embrace but one subject, expressed in title,	4	27	31
to organize executive department,	5	9	33
receipts and expenditures to be published with laws,	9	11	39
levying tax to pay interest or principal on railroad bonds shall be submitted to vote of the people,	9	2	37
shall be passed for safe keeping of public moneys,	9	12	39
of territory, to remain in force if not inconsistent with constitution,			
<i>SCHEDULE</i>		2	43
<i>SCHEDULE</i>		7	44
<i>Legislative Department</i> to consist of senate and house of representatives,	4	1	28
to meet at seat of government, times of meeting to be prescribed by law,	4	1	28
length of session,	4	1	28
number of members prescribed by law,	4	2	28
apportionment and ratio of representation,	4	2	28
each house to judge of election returns and eligibility of its own members,	4	3	28
a quorum to do business,	4	3	28
each house to determine its rules,	4	4	28
punishment and expulsion of members,	4	4	28
each house to elect its own officers (except president of senate,) and to keep and publish a journal, on which yeas and nays (when taken) shall be entered,	4	5	29
neither house to adjourn for more than three days without consent of other,			
etc.,	4	6	29
pay of members not to be increased, etc.,	4	7	29
members of, privileged from arrest, exception,	4	8	29
members of, to hold no other office except as postmaster,	4	9	29
revenue bills to originate in house,	4	10	29

MINNESOTA STATUTES 1866

714

SPECIAL INDEX TO INTRODUCTION.

	Art.	Sec.	Page
<i>Legislative Department</i> , provisions relating to veto power,	4	12	29
all money to be appropriated by bill,	4	12	30
style of laws, how passed,	4	13	30
vacancies, how filled, contested seats,	4	17	30
disorderly persons not members, how punished,	4	18	30
sessions of each house to be open except when secrecy requires,	4	19	30
bills to be read on three different days, in each house, and twice at length, before passage,	4	20	30
of the signing of bills by presiding officer of each house, penalty for refusal to sign,	4	21	31
bills not to be passed on day fixed for adjournment,	4	22	31
qualification of members,	4	25	31
to elect United States senators,	4	26	31
to take oath of office,	4	29	31
all elections by, to be <i>viva voce</i> ,	4	30	31
first session, when held,	SCHEDULE	6	44
<i>Librarian of State</i> , how appointed,	5	4	32
<i>Lieutenant Governor</i> , an executive officer, when and how elected,	5	1	32
term of office, qualifications,	5	3	32
<i>Ex-officio</i> president of senate, when to act as governor,	5	6	33
<i>Lieutenant Governor</i> , compensation of, when office vacated how filled,	5	6	33
not to sit on trial of impeachment of governor,	13	4	41
<i>Lotteries</i> , legislature not to authorize,	4	31	32
<i>Militia</i> , legislature shall pass laws to organize,	12	1	41
<i>Military</i> shall be subordinate to civil power,	1	14	26
<i>Municipal corporations</i> , how created,	10	2	40
<i>Money</i> , shall only be appropriated by bill,	4	12	30
shall be specifically applied,	9	8	39
not to be paid out except appropriated by law,	9	9	39
statement of receipts and expenditures to be published annually,	9	11	39
public, not to be exchanged for other funds, or deposited in bank, (see <i>Embezzlement</i>),	9	12	39
paid out by authority of law,	11	6	41
<i>Navigable Waters</i> , free,	2	2	27
<i>Name of State</i> ,	2	1	27
<i>Notaries Public</i> , how appointed,	5	4	32
<i>Oath</i> , form of, for members and officers of legislature,	4	29	32
form of, for other public officers,	5	8	33
at elections, to be uniform, etc.,	15	3	42
<i>Office</i> , all electors eligible to, exception,	7	7	36
cause of removal from,	13	1	41
same subject,	13	2	41
duties of, not to be exercised after impeachment before acquittal,	13	3	41
<i>Perjury</i> , disqualification of persons convicted of,	4	15	30
<i>Power</i> , political, inherent in people,	1	1	25
<i>President pro tem. of senate</i> , when to act as lieutenant governor,	5	6	33
<i>Press</i> , liberty of, secured,	1	3	25
<i>Pleadings</i> , in the courts, to be under the direction of legislature,	6	14	35
<i>Probate Court</i> , to be established in each organized county, to be a court of record,	6	7	34
judge of, clerk of, how chosen,	6	7	34
jurisdiction of,	6	7	34
judge of, may be court commissioner,	6	15	35
<i>Process</i> , style of,	6	14	35
<i>Property</i> , of persons, not to be taken for public use without compensation,	1	13	26
same, compensation made if taken by corporation,	10	4	40
of territory, to vest in state,	SCHEDULE	4	43
<i>Protest</i> , right of, secured to members of legislature,	4	16	30
<i>Prosecuting Attorney</i> , each judicial district may elect one,	SCHEDULE	15	46
<i>Punishment</i> , not to be cruel or unusual,	1	5	25
no person to be put in jeopardy twice for the same offense,	1	7	26
of disorderly persons in session of legislature,	4	18	30
<i>Quorum</i> , a majority of each house of legislature constituted,	4	3	28
power of a less number,	4	3	28
<i>Religion</i> , freedom of, secured,	1	16	27
licentiousness in, not allowed,	1	16	27
not a test, as a qualification for office or of an elector,	1	17	27
opinion on, not to disqualify any person as a witness,	1	17	27
property of societies of exempt from taxation,	9	3	38
<i>Reporter of Supreme Court</i> , by whom appointed,	6	2	33

MINNESOTA STATUTES 1866

SPECIAL INDEX TO INTRODUCTION.

715

	Art.	Sec.	Page.
<i>Representation</i> , how apportioned, ratio of,	4	2	28
<i>Representatives</i> , (see <i>Legislative Department</i>) how chosen, term of office,	4	24	31
<i>Residence</i> , for purpose of voting, what not to effect,	7	3	36
who do not acquire,	7	4	36
<i>Revenue</i> , bills shall originate in house, but senate may amend,	4	10	29
<i>Rights</i> , political, secured,	1	1	25
natural, secured,	1	2	25
to property, character, etc.,	1	8	26
unreasonable searches and seizures prohibited,	1	10	26
enumeration of, not to impair others retained by the people,	1	16	27
existing, not to be affected,	SCHEDULE	1	43
<i>Salaries</i> , of members of legislature,	4	7	29
of executive officers,	5	5	33
of lieutenant governor,	5	6	33
of judges of supreme and district courts, not to be diminished,	6	6	34
of probate judges,	6	7	34
of clerk of district court,	6	13	35
of justices of the peace,	6	8	35
<i>Seal of State</i> , provisions relating to,	15	4	42
<i>Seat of Government</i> , provisions relating to,	15	1	42
<i>Senators</i> , (see <i>Legislative Department</i>) how chosen, term of office, etc.,	4	24	31
of United States, how chosen,	4	26	31
<i>Secretary of State</i> , an executive officer, how chosen,	5	1	32
term of office, salary,	5	5	33
<i>Session</i> of legislature not to exceed the term of sixty days,	4	1	28
<i>Schools, etc.</i> , duty of legislature to establish,	8	1	36
of lands for use of, and concerning the school fund,	8	1	36
of taxes to support,	8	3	37
property of exempt from taxation,	9	3	38
fund of, how kept,	9	12	39
<i>Slavery</i> , prohibited,	1	2	25
<i>Speech</i> , liberty of, secured,	1	3	25
<i>State Debt</i> , provisions relating to,	9	5	38
how contracted,	9	6	38
in time of war, etc.,	9	7	38
credit of state not to be loaned, etc.,	9	10	39
<i>State Prison</i> , territorial prison as located to remain one of the prisons of the state,	15	5	43
<i>Stockholders</i> , liability of, in banks,	9	13	39
same, in other corporations,	10	3	40
<i>Supreme Court</i> , how organized, jurisdiction, powers and duties,	6	2	33
to appoint reporter of its decisions,	6	2	33
to appoint clerk in case of vacancy,	6	2	33
judges of, elected for seven years,	6	3	34
qualifications of judges, their compensation not to be diminished,	6	6	34
judges of, to hold no other office,—all votes cast for void, except for a judicial office,	6	11	35
<i>Taxation</i> , non-resident property holders not to be taxed higher than residents,	2	3	27
for school purposes,	8	3	37
to be equal and uniform, property taxed to have a cash valuation,	9	1	37
for state purposes,	9	2	37
to pay interest or principal on railroad bonds,	9	2	37
what shall be taxed,	9	3	38
what shall be exempt,	9	3	38
banks and bankers, how taxed,	9	4	38
powers of counties and townships,	11	5	41
of persons on Indian lands,	15	2	42
<i>Terms of Office</i> , of governor,	5	3	32
of lieutenant governor,	5	3	32
of auditor, secretary, treasurer, and attorney general,	5	5	33
of executive office, when to commence and end,	5	2	32
of clerk of supreme court,	6	7	34
of judges of supreme court,	6	3	34
of district judges,	6	4	34
of probate judges,	6	7	34
of justices of the peace,	6	8	35
of other judges,	6	9	35
<i>Title</i> , state not to interfere with when given by congress,	2	3	27
<i>Territorial Officers</i> , continued until superseded by authority of state,	SCHEDULE	5	44
<i>Towns and Townships</i> , organization of,	11	3	41

MINNESOTA STATUTES 1866

	Art.	Sec.	Page.
<i>Towns and Townships</i> , election of officers of,	11	4	41
powers of local taxation,	11	5	41
moneys of, how drawn from treasury,	11	6	41
<i>Treason</i> , definition of, proof of,	7	9	26
disqualification of persons convicted of,	1	2	36
<i>Treasurer of State</i> , an executive officer, how chosen,	5	1	32
<i>Treasurer of State</i> , term of office, salary first term,	5	5	33
to register state bonds,	9	6	38
to publish annually a detailed statement of receipts and expenditures of public money,	9	11	39
<i>University of Minnesota</i> , provisions relating to,	8	4	37
property of, exempt from taxation,	9	3	38
<i>Veto</i> , of bills by governor,	4	11	29
of joint resolutions, etc.,	4	12	30
<i>Votes</i> , in passing laws, to be entered on journal,	4	13	30
same, in elections by legislature,	4	30	32
<i>Vacancies</i> , in state and other offices, to be filled by appointment by governor,	5	4	32
in offices of judges, same,	6	10	35
<i>Witness</i> , cannot compel person to be against self on a criminal trial,	1	7	26
opinion on religion not to disqualify any person from being,	1	17	27
<i>Yeas and nays</i> . See <i>Votes</i> ,	4	30	32
AMENDMENT TO SECTION TEN, ARTICLE NINE.			47
<i>Bonds</i> , special, of state, to be issued to each company as a loan of credit. \$1,250,000 to each. Aggregate \$5,000,000. To bear interest at seven per cent. per annum, payable semi-annually in New York city. How issued. Evidence that any ten miles have been completed ready for superstructure, satisfactory to governor to entitle road to receive \$100,000 in bonds. Same for every ten miles. Every ten miles completed and cars running thereon, company entitled to additional \$100,000 of bonds, &c., until full amount are issued. Two fifths of bonds issued to S. M. R. R. Co., to be expended on line of road from La Crescent to junction with Transit roads. Bonds to be denominated "Minnesota State Railroad Bonds." Faith and credit of state pledged for payment of interest and redemption of principal of said bonds. To be signed by governor. Countersigned and registered by treasurer under the seal of the state. Not to exceed \$1,000 each. Payable to order of company to whom issued, and transferable by indorsement of president of company to which issued. Redeemable after ten and before expiration of twenty-five years from their date.			
<i>Bonds</i> , of railroads, see title (<i>security</i>) below,			47
<i>Completion of road</i> , each company to complete not less than fifty miles by expiration of 1861. Not less than one hundred by expiration of 1864, and full four-fifths of each entire road before 1866. A failure to complete road as aforesaid to work forfeiture of lands, franchises, &c., to state,			48
<i>Construction</i> , Minnesota and Cedar Valley R. R. Company to commence at Faribault and Minneapolis, and to grade equal distances. To be commenced by each company within sixty days after proclamation by governor that the people have voted for loan, &c. Fifty miles to be ready for superstructure in two years thereafter on each road,			48
<i>Credit</i> , of state, not to be loaned to individuals or corporations, <i>except</i> to expedite construction of land grant railroads, in which lands granted by congress have been vested by legislative assembly of Minnesota,			47
<i>Loan, conditions of</i> , companies to notify governor of acceptance of loan within thirty days after proclamation by the governor that the people have voted for said loan, &c.,			48
<i>Payment</i> , each company to provide for payment of interest and principal of bonds as the same shall accrue, so as to exonerate the state treasury from any advances of money,			48
<i>Security</i> , 1. Net profits of each road for payment of interest on bonds issued by the state,			48
2. A conveyance of the first two hundred and forty sections of land, free from any incumbrance to save the state from loss on state bonds, which shall authorize the governor and secretary of the state to convey title to purchasers from the companies: <i>proviso</i> , the governor shall approve of said sale before releasing interest of state to said land. Proceeds of sale to be applied to payment, in case of default, and as a sinking fund for payment of principal when due, if unpaid,			48
3. First mortgage bonds on the roads, lands and franchises of the companies, in an equal amount to the state bonds issued, to be transferred to state			48

MINNESOTA STATUTES 1866

	Art.	Sec.	Page.
treasurer. In default of payment of principal and interest of state bonds by either company, no more state bonds shall be issued to such company, and bonds of company may be sold by governor; but if company, before day of sale, pay principal and interest, no sale shall take place, -			49
AMENDMENT TO SECTION SEVEN, ARTICLE FIVE.			
<i>Executive officers</i> , term of, to commence on taking oath of office, on or after May 1, 1858, -			50
Term to continue until first Monday of January, 1860, except auditor, whose term extends to first Monday of January, 1861, -			50
Above provision, as to qualification and entry into office, extended to all officers elected under state constitution, -			50
ACT OF ADMISSION INTO THE UNION.			
<i>Admission</i> , -	1		51
<i>Appeals pending</i> , -	3		51
<i>Congress</i> , representation in, -	2		51
<i>District court</i> in, -	3		51
<i>Judicial organization</i> , -	3		51
<i>Laws</i> , to be what, -	3		51
<i>Pay of judges</i> , &c., -	3		51
<i>Preamble</i> , -	1		51
<i>Representatives in congress</i> , -	2		51
<i>Writs of error pending</i> , -	3		51

GENERAL INDEX.

Abortion Punishment of - 1873 - 117

	Sec.	Page.
ABANDONMENT of married women by husband, effect of, - - - - -	5	580
ABATEMENT, of process, not caused by change or vacancy in office of judge, - - - - -	11	416
of action not caused by death or other disability of party, - - - - -	36	454
nuisance by action, - - - - -	25	541
ABSTRACT, of title to real estate, register of deeds to give, - - - - -	160	126
of real property sent to state auditor, - - - - -	52	170
tax duplicate sent to state auditor, - - - - -	53	170
ABSTRACTS OF VOTES, for state officers to be on one sheet, - - - - -	19	58
certified and deposited, and copies sent to whom, - - - - -	19	58
canvassed by legislature, - - - - -	20	58
for county officers, made on one sheet, - - - - -	21	59
how certified and where forwarded, - - - - -	21	59
for members of congress and electors, made on one sheet, - - - - -	22	59
how certified, where deposited, copy sent to secretary of state, - - - - -	22	59
in counties not forming senatorial district, sent where, - - - - -	31	60
form of, - - - - -	32	61
want of form in, does not invalidate election, - - - - -	32	61
of election to fill vacancy, where transmitted, - - - - -	35	63
for state officers, to be printed in appendix to senate journal, - - - - -	27	82
ACCEPTOR on bill of exchange not chargeable unless acceptance is in writing, - - - - -	6	227
ACCESSORY, chapter relating to, - - - - -	—	593
to felony before the fact, how punished, - - - - -	3	593
same, where tried and punished, - - - - -	4	593
to felony after the fact, how punished, - - - - -	5	593
same, where tried and punished, - - - - -	6	593
distinction between, and principal, abrogated, - - - - -	10	594
concerned in committing felony, tried and punished as principal, - - - - -	10	594
to embezzlement, who deemed and how punished, - - - - -	28	606
ACCOMPLICE, testimony of, not sufficient to convict, - - - - -	94	531
ACKNOWLEDGMENTS. See CHAPTER RELATING TO OATHS AND ACKNOWLEDGMENTS, - - - - -	—	514
who may take, - - - - -	8	517
person qualified to take, may take depositions, - - - - -	9	517
may be taken by commissioners appointed in other states, - - - - -	10	518
effect of, taken by commissioner out of the state, - - - - -	11	518
commissioners in other states, may administer oath and certify depositions, - - - - -	12	518
of instruments, made evidence, - - - - -	60	527
ACQUITTAL, of one or more of several defendants, - - - - -	9	594
defendant entitled to, in case of reasonable doubt, - - - - -	2	595
plead in bar of new indictment, when, - - - - -	5	595
when not a bar, - - - - -	6	595
not a bar to indictment for same offense, when, - - - - -	8	653
on the merits, is a bar, - - - - -	9	653
in case of indictment for offense consisting of different degrees, - - - - -	10	653
ACTION, against county auditor, brought when, - - - - -	114	119
on bonds, &c., given to county treasurer, - - - - -	146	124
TOWNS.		
in which town is interested, how provided for, - - - - -	15	140
between towns or in which town is party, how regulated, - - - - -	84	149
by or against town, how brought, - - - - -	85	149
against town, papers how served, - - - - -	87	149

MINNESOTA STATUTES 1866

	Sec. Page
ACTION , by town, not to be brought before town justice of the peace, - - - - -	88 149
for trespass on town lands, how regulated, - - - - -	89 149
partition of town lands, power of court, - - - - -	90 150
TAXES.	
against officers of bank, to collect draft for taxes, - - - - -	21 161
by county commissioners to collect expenses of tax proceedings, - - - - -	47 169
county auditor shall bring, to collect tax of county treasurer, - - - - -	66 172
by ward against guardian for failure to pay taxes, - - - - -	106 181
devisee against executor for failure to pay taxes, - - - - -	107 181
principal against agent for failure to pay taxes, - - - - -	108 181
guardian, executor and agent, for taxes paid, - - - - -	109 181
against tenant by curtesy, in dower, or for years, for neglect to pay taxes, - - - - -	110 181
purchaser at tax sale, failing to make payment, - - - - -	125 184
for partition by purchaser at tax sale, maintainable, - - - - -	150 188
to enforce lien for taxes, maintainable, - - - - -	151 188
by mortgagee or other lien-holder, how maintainable, - - - - -	152 188
occupant or tenant to recover taxes paid, - - - - -	153 189
to test validity of tax proceedings, when to be brought, - - - - -	154 189
HIGHWAYS.	
by overseer of highways, to collect fine, - - - - -	19 193
PARTITION FENCES.	
to recover value of erecting partition fence, - - - - -	4 213
recover one half value of erecting partition fence, - - - - -	15 214
DISTRESS.	
recover damage by beasts on inclosed lands, - - - - -	38 221
GAME LAWS.	
recover penalties for violating game laws, - - - - -	6 222
by supervisors and constables, for violation of game laws, - - - - -	7 223
WEIGHTS AND MEASURES.	
against scaler of weights and measures, brought when, - - - - -	13 225
TOWN PLATS.	
for fines incurred for violation of provisions relating to town plats, - - - - -	11 234
LIMITED PARTNERSHIP.	
relating to business of limited partnership, by whom brought, - - - - -	14 237
FLOWING LAND.	
for damage for flowing land, stayed when, - - - - -	19 241
LOGS AND LUMBER.	
on bond of surveyor general of logs and lumber, - - - - -	9 243
for wages of labor performed on logs, must be brought, when, - - - - -	32 249
same, fees of surveyor general recoverable as disbursements, - - - - -	36 250
BY OR AGAINST TRUSTEES.	
trustees of school districts may prosecute, when, - - - - -	77 313
same may be prosecuted against, when, - - - - -	77 313
service of process and papers, on whom made, - - - - -	79 314
judgment in, how collected, - - - - -	80 314
execution issued, when, - - - - -	83 314
TOWN SITES.	
corporate authorities may bring, to settle controversy concerning lots, when, - - - - -	8 338
EXECUTOR OR ADMINISTRATOR.	
to recover lands, brought when, - - - - -	15 374
recover for goods and chattels for benefit of creditors, - - - - -	15 374
need not commence, unless creditors request, - - - - -	16 374
against executor or administrator, commenced, when, - - - - -	15 377
pending against deceased, shall proceed, when, - - - - -	16 377
BEFORE JUSTICES OF THE PEACE.	
how instituted before justice of the peace, - - - - -	8 422
by infant plaintiff not to be instituted till next friend is appointed, - - - - -	16 424
not to be prosecuted against infant defendant till guardian ad litem is appointed, - - - - -	17 424
transferred to another justice, when, - - - - -	18 424
dismissed, when, - - - - -	20 424
may be adjourned when commission is granted, - - - - -	53 428
be commenced by writ of attachment, - - - - -	94 434
IN DISTRICT COURT.	
chapter relating to, - - - - -	— 450
distinction between form of and suit in equity, abolished, - - - - -	1 450
one form of, allowed, - - - - -	1 450
parties to, how styled, - - - - -	2 450
LIMITATIONS.	
commenced within what periods of time, - - - - -	3 450
to recover real property, within twenty years, - - - - -	4 450

MINNESOTA STATUTES 1866

GENERAL INDEX.

721

	Sec. Page.
ACTION , upon judgment or decree, within ten years,	5 451
contract, liability created by statute, trespass to real property, personal property, &c., within six years,	6 451
against sheriff, or upon statute for penalty, within three years,	7 451
for libel, slander, assault, battery, false imprisonment, or upon a statute for penalty to the state, within two years,	8 451
upon current account, accrues from last item,	9 451
for penalty given to prosecutor, within one year,	10 451
to foreclose mortgage, within twenty years,	11 451
limitations of, apply to state and officers acting for state,	12 451
deemed commenced, when, and pending, how long,	13 451
attempt to commence deemed equivalent to commencement, when,	14 452
commencement of, how affected by absence of party from state,	15 452
not maintainable here, if barred in foreign state where cause of, arose,	16 452
may be commenced after disabilities, if any, cease,	17 452
commenced, when, in case of death of party,	18 452
period between death of party and granting letters testamentary, not included in time limited,	19 452
period of war not included,	20 452
period covered by injunction or statutory prohibition, not included,	21 452
not affected by disability of party, when,	22 452
limitation does not attach till all disabilities are removed,	23 453
right to commence not affected by promise, &c., unless in writing,	24 453
on reversal of, new action may be commenced,	25 453
PARTIES.	
shall be prosecuted in name of real party in interest,	26 453
by assignee, subject to set-off—exception,	27 453
executor et als., how brought,	28 453
married women, husband shall join, when,	29 453
infant, must appear by guardian,	30 453
for seduction, by father or mother,	32 454
injury to infant, by parent or guardian,	33 454
in name of husband, wife may conduct, when,	34 454
against persons severally liable upon note, &c., how brought,	35 454
persons in business, brought in common name,	37 454
abatement , death or other disability no ground of,	36 454
PLACE OF TRIAL.	
to recover real property, for partition of real property, to foreclose mortgage, and recover personal property distrained, tried in county where subject of action is situated,	38 454
recover penalty or forfeiture, or against public officer, shall be tried in county where cause of action arose,	39 454
in other cases, tried where one of parties reside,	40 455
against non-resident, in county where defendant has property,	41 455
place of trial of, may be changed, when,	42 455
COMMENCEMENT.	
by service of summons,	43 455
may be defended after judgment, when,	51 457
against two or more defendants, plaintiff to proceed, how,	52 457
court acquires jurisdiction of, when,	54 457
appearance in by defendant, what constitutes,	57 458
CAUSES of, united in same complaint,	98 462
certain errors and defects to be disregarded at every stage of,	107 464
CONSOLIDATION.	
two or more may be consolidated,	109 464
against two or more persons by surety,	110 464
substitution of another party compelled, when,	110 464
CLAIM AND DELIVERY OF PERSONAL PROPERTY.	
plaintiff may claim immediate delivery of property,	112 464
ATTACHMENT.	
for recovery of money, plaintiff may obtain writ of attachment,	128 466
by claimant of property attached, sheriff may compel plaintiff in attachment suit to be joined as co-defendant,	138 468
GARNISHMENT.	
allowed in action on contract, when,	147 470
in justice's court, proceedings,	148 470
district court, proceedings,	149 470
INJUNCTION.	
granted at time of commencing action, or before judgment,	183 475
DISMISSAL.	
may be dismissed in what cases,	242 484

MINNESOTA STATUTES 1866

722

GENERAL INDEX.

	Sec. Page.
PARTITION OF REAL PROPERTY.	
ACTION , tenants in common may have,	1 532
summons, to whom addressed,	2 532
complaint shall set forth, what,	3 532
how governed,	4 532
co-tenant may bring, for injury to premises,	15 534
state may be made a party to,	45 533
costs of, how paid,	46 538
CONCERNING REAL PROPERTY.	
by person in possession to determine adverse claim,	1 538
effect of disclaimer or default,	2 539
to recover dower, plaintiff must show denial of his right,	3 539
termination of right during pendency of, effect of,	4 539
new trial , who may have,	5 539
judgment in, how entered,	6 539
damages shall not exceed what,	7 539
sale of land during pendency of, cannot prejudice,	13 540
by landlord against tenant, equivalent to demand and re-entry,	15 540
notice of <i>lis pendens</i> filed in—effect of,	16 540
rent recoverable in—evidence,	19 540
remainderman or reversioner may maintain,	23 541
tenant in common may sue co-tenant, when,	24 541
nuisance may be abated by,	25 541
waste , rule of damages in,	26 541
for cutting trees, &c., rule of damages in,	28 541
for forcible eviction, damages in,	31 542
for forcible entry or detention, damages in,	32 542
RESPECTING CORPORATIONS.	
foreign corporation may prosecute, how,	2 542
same, cannot maintain, when,	3 542
against corporations, how commenced,	4 542
same, injunction may issue,	5 543
banking corporation may be enjoined, when,	12 544
receiver may be appointed,	14 544
who may be parties,	15 544
supplemental complaint filed when,	16 544
by creditor, brought when,	17 544
proceedings in such case,	18 544
against stockholders individually, when,	21 545
publication of notice to creditors ordered, when,	23 545
EXECUTORS, ADMINISTRATORS AND HEIRS.	
what causes of, survive,	1 545
by representatives of deceased, maintainable, when,	2 546
foreign administrator or executor may bring, when,	6 546
creditor may bring, against next of kin,	7 546
rule of damages in such case,	8 546
for contribution may be brought by next of kin,	9 546
against legatees or next of kin,	10 546
same, costs in, how apportioned,	11 547
heirs and devisees liable to,	13 547
heirs not liable, when,	14 547
against heirs, devisees or legatees, must be brought within one year,	16 547
same, not dismissed or barred for defect of parties,	18 547
issues how formed and determined,	19 547
against estate of deceased heir, maintainable, when,	20 548
contribution compelled, when,	21 548
defences to, by next of kin, devisees, heirs or legatees,	24 548
against heir personally, maintainable, when,	28 548
against devisee personally, maintainable, when,	30 549
OFFICIAL SECURITIES, FINES AND FORFEITURES.	
on official bond, who may bring,	2 550
leave of district court must be first had,	3 550
for second or subsequent delinquency, allowed on same bond,	4 550
for fines and forfeitures , who may bring,	6 550
for penalty , what amount recoverable in,	7 550
not barred by judgment obtained by collusion,	8 551
place of trial when brought on behalf of state,	9 551
CHARTERS, LETTERS PATENT, AND USURPATION OF OFFICE.	
against corporation to annul act of incorporation, brought, when,	1 551
to vacate charter or annul existence of corporation, brought, when,	2 552

MINNESOTA STATUTES 1866

	Sec.	Page.
ACTION, against party usurping or forfeiting office, brought, when,	3	552
to vacate letters patent, brought, when,	4	552
parties in such case,	5	552
for usurping office, complaint shall contain, what,	6	552
damages recoverable, when,	7	553
all claimants may be joined,	8	553
judgment , how rendered,	9	553
corporation adjudged dissolved, when,	10	553
costs , how collected,	11	553
by attorney general for account, instituted when,	12	553
judgment roll to be filed in office of secretary of state,	13	553
BOATS AND VESSELS.		
how instituted,	2	569
owner or master summoned after judgment, when,	10	570
how governed, when brought before justice of the peace,	16	570
continuance granted to master or owner, when,	20	571
same, not granted to plaintiff,	21	571
appeal , master or owner may take,	22	571
shall be commenced within one year,	23	571
SETTLERS ON UNITED STATES LANDS.		
to recover possession or for injuries thereto,	1	575
on trial of, what shall be considered as limit of plaintiff's claim,	2	575
not maintainable unless by actual settler,	3	575
maintainable after neglect to occupy claim for six months,	4	575
ACTIONS, register of, clerk of district court shall keep,	229	136
consolidation of, title relating to,	—	464
ACTUARY, of cemetery association to keep record of interments,	98	281
shall furnish summary of interments,	99	281
penalty for failure to keep register of burials and interments,	100	281
ADJOURNMENT,		
in justices' courts , allowed before pleading,	21	424
same, after pleadings are closed,	34	425
after the first, shall be for what time,	36	426
commission issues, may be had,	53	428
of garnishee proceedings, allowed, when,	156	471
same, to abide the result of original action,	160	471
in district court , motion for, made, how,	204	478
in criminal case , allowed when,	4	655
ADJUTANT GENERAL, salary of,	1	93
ADMINISTRATION AND DISTRIBUTION OF THE ESTATES OF INTESTATES,		
personal estate , how distributed,	1	369
which probate court to have jurisdiction,	2	370
who entitled to letters of administration,	3	370
administrator shall give bond,	4	370
special, appointed, when,	5	370
powers and duties of,	6	370
not liable for debts,	7	370
shall give bond,	8	370
powers shall cease, when,	9	371
liability of persons embezzling or alienating estate, before letters issue,	10	371
administration with the will annexed granted on death of sole executor,	11	371
administrator may be removed, when,	12	371
marriage of administratrix extinguishes her authority,	13	371
when administrator is removed, who may execute trust,	14	371
powers of administrator de bonis non,	15	371
first administration to be revoked on proving will,	16	371
powers of executor on revocation of first administration,	17	371
acts of executor or administrator, before revocation, valid,	18	372
bonds , joint or separate, may be taken,	19	372
notice of application for appointment of administrator, how given,	20	372
ADMINISTRATORS, may vote as stockholders,	164	292
not personally liable, as stockholders,	165	292
<i>See EXECUTORS AND ADMINISTRATORS,</i>	—	398
ADMINISTRATRIX, marriage of, extinguishes authority,	13	371
ADULTERATION of food, liquor, &c., penalty,	2	654
of drugs, medicines, &c., penalty,	3	624
ADULTERY, a cause for divorce,	6	409
divorce obtained for, without previous residence in state,	8	409
although proved, does not entitle party to divorce, when,	9	409
wife guilty of, not entitled to dower in case of divorce,	20	411

Adjutant General. duties of 1873-234

MINNESOTA STATUTES 1866

724

GENERAL INDEX.

		Sec.	Page.
ADULTERY , wife guilty of, not entitled to share of husband's personal estate, -	23	411	
husband guilty of, wife entitled to dower after divorce, -	25	412	
divorced persons cohabiting liable as for, -	28	412	
how punished—prosecution commenced, when and by whom, -	1	620	
ADVANCEMENT , what estate or interest given by parent deceased, deemed an, -	53	347	
how considered, -	5	354	
when to exclude heir from further portion, -	6	354	
how estimated, -	7	354	
gifts and grants to be deemed, when, -	8	355	
value of, how estimated, -	9	355	
how considered if heir dies before intestate, -	10	355	
probate court to determine questions relating to, -	17	388	
AFFIRMATION , included in term, oath, -	1	74	
when allowed instead of oath, -	11	521	
AFFIDAVIT in an action, shall be filed in court, -	65	458	
of publication, or copies duly certified, évidence, -	56	527	
printer, evidence when, -	57	527	
to be used in establishing lien, form of, -	18	592	
AGENT , of non-resident to list property for taxation, -	4	155	
having funds of principal and failing to pay taxes, how liable, -	108	181	
paying taxes, allowed compensation and lien, -	109	181	
for non-resident, to be appointed, on partition of estate, -	14	387	
absent person appointed by court, when, -	23	388	
shall give bond to judge of probate, -	24	388	
AGRICULTURAL COLLEGE , title relating to, -	—	294	
where located and how styled, -	1	294	
instruction to be given in agriculture and the sciences connected therewith, -	2	294	
branches of instruction, -	3	294	
full course of study four years—partial course may be adopted, -	4	294	
course of lectures may be adopted, -	4	294	
college board to regulate scholastic terms and payment of tuition, -	5	294	
board, how constructed, -	6	295	
vacancy in, how filled, -	6	295	
board to have the management of the farm and college, -	7	295	
shall make rules and choose officers, -	8	295	
shall erect buildings and maintain schools, -	9	295	
power to incur debts limited, -	9	295	
secretary shall keep record and account, and make report to governor annually, -	10	295	
board shall choose faculty and fix salaries, -	11	295	
faculty —who constitute—their powers and duties, -	12	295	
swamp lands in McLeod county set apart to constitute fund for use of college, -	13	296	
lands in McLeod county may be sold, when and how—proceeds of sales, how expended, -	14	296	
interest on proceeds of college land, how applied, -	15	296	
governor to certify to erection of buildings and obtain perfect title to land donated, -	16	296	
lands donated to the state for benefit of, shall be appraised and sold, -	53	325	
proceeds of sale—how invested, -	54	325	
interest or fund—how expended, -	54	325	
if the fund is lost it shall be replaced by the state, -	55	325	
fund not to be used to repair or erect buildings, -	56	326	
AGRICULTURAL SOCIETIES may become incorporated, -	54	273	
they shall adopt and sign articles, -	55	273	
effect of filing articles, -	56	274	
no dividend or distribution until dissolution, -	57	274	
corporate powers, -	58	274	
legal process, how served, -	62	274	
AIKEN COUNTY , boundaries of, -	2	96	
included in seventh judicial district, -	24	417	
attached to county of Crow Wing for judicial purposes, -	33	419	
ALIEN , female, not therefore barred of dower, -	21	362	
statute of limitations does not run against, when, -	20	452	
may hold and convey real estate—title not affected by alienage, -	22	541	
ALIENATION , period of suspension of right of, how computed, -	54	347	
suspension of power of, in creation of future estate, renders estate void, -	14	349	
power of, not to be suspended longer than during two lives, -	15	350	
of precedent estate will not defeat or bar expectant estate, -	32	351	
expectant estate is valid, -	35	351	
ALIMONY in decree of divorce, how and when allowed, -	23	411	

68-116
see laws of
873-183-4

868-34

1871-74

MINNESOTA STATUTES 1866

GENERAL INDEX.

725

	Sec. Page.
ALIMONY, court may revise order for,	25 412
may require husband to give security for payment of,	26 412
may revoke order of, if parties intermarry,	27 412
ALLEGATION. <i>See</i> MATERIAL ALLEGATION,	99 463
AMENDMENT.	
in justices' courts , allowed when,	33 425
in civil actions , division relating to,	— 463
ordered to be made when party has been misled,	100 463
allowed, to correspond to fact proved,	100 463
not allowed, when,	102 463
of pleading before trial and on demurrer,	103 463
same, before or after judgment,	104 463
to conform to statute,	105 463
as to name of defendant,	106 463
new parties added by, in action for contribution,	18 547
in forcible entry and detainer allowed, when,	17 573
ANIMALS. <i>See</i> ESTRAYS,	— 216
town electors to regulate going at large,	15 140
mischievous, owner of guilty of manslaughter, when,	16 599
malicious killing or maiming, how punished,	39 608
cruelty to, how punished,	18 622
ANDY JOHNSON COUNTY, boundaries of,	3 96
ANNUITIES, what not held to be for purposes of taxation,	2 154
how valued for taxable purposes,	9 157
ANOKA COUNTY, boundaries of,	4 97
included in fourth judicial district,	21 417
ANSWER, in justices' courts shall contain what,	25 425
containing a counter claim, may be replied to,	26 425
statement in, equivalent to denial, when,	27 425
containing counter claim arising on written instrument, what is sufficient,	28 425
shall be verified,	29 425
material allegation in, relating to counter claim, not denied, taken as true,	30 425
objections to, how taken,	31 425
variance between allegations and evidence immaterial, when,	32 425
may be amended,	33 425
in civil actions , division relating to,	— 460
shall contain what,	79 460
may contain as many defences as defendant has,	81 460
sham and irrelevant may be stricken out,	82 460
counter claim in, may be replied to, when,	83 461
may be demurred to, when,	83 461
shall be subscribed by attorney,	86 461
verification of , by party or attorney,	87 461
items of account need not be stated,	88 461
shall receive liberal construction,	89 461
irrelevant or redundant matter may be stricken out,	99 461
whole pleading stricken out, when,	90 461
may set forth judgment, how,	91 462
same, conditions precedent, how,	92 462
private statute, how,	93 462
acts of incorporations, how,	94 462
in action of libel or slander, may contain what,	96 462
in action to recover property distrained, good, when,	97 462
material allegations not denied, taken as true,	99 463
variance between allegations and proof, material when,	100 463
amendment on trial allowed, when,	101 463
same, not allowed, when,	102 463
before trial, and on demurrer,	103 463
before or after judgment,	104 463
relief , granted after default or judgment,	105 463
supplemental answer allowed, when,	108 464
proceedings supplementary to judgment , title relating to,	— 486
may deny judgment or set up subsequent defence,	260 487
be demurred or replied to,	261 487
APOTHECARY selling poison unlabeled, how punished,	6 624
APPEAL, from allowance or disallowance of claim against county,	81 113
appeal to supreme court in such case,	82 114
PUBLIC ROADS.	
from assessment of damages for laying out road,	39 195

MINNESOTA STATUTES 1866

726

GENERAL INDEX.

	Sec.	Page.
APPEAL , how made and notice given, - - - - -	40	196
how, when and by whom determined, - - - - -	41	196
notice of hearing, how served, - - - - -	42	196
proceedings on hearing, - - - - -	43	196
from refusal to open road, if reversal is had, how disposed of,	46	196
damages allowed for laying out cartway,	56	198
assessment of damages under mill dam act,	10	240
same not to hinder erection of dam, when, - - - - -	11	240
how tried in district court, - - - - -	13	241
exemplary damages not allowed on, - - - - -	14	241
RAILROADS, ETC.		
from assessment by commissioners, appointed by district judge, for right of way, how taken, - - - - -	22	267
not to be taken after the expiration of thirty days from time of notification of filing report of commissioners, - - - - -	22	267
from commissioners, how tried and determined, - - - - -	25	267
rule for assessing damages on, - - - - -	25	267
judgment on appeal from commissioners, how entered—effect of—may be paid, how,	26	267
appellant shall file bond with clerk of court, when, - - - - -	24	267
from refusal to grant certificate by road supervisors, - - - - -	142	290
PROBATE COURTS.		
by party aggrieved, in what cases, - - - - -	14	366
who may take, - - - - -	15	366
taken on questions of law or fact, or both, - - - - -	16	366
notice and bond to be given, - - - - -	16	366
COMMISSIONERS ON ESTATES.		
from report, who may take, - - - - -	20	377
claimant appealing, shall give bond, - - - - -	21	378
appellant shall file certified copy of record, - - - - -	22	378
proceedings in district court on, - - - - -	23	378
claimant failing to prosecute, bars his claim, - - - - -	25	378
allowance affirmed if objector fails to prosecute, - - - - -	26	378
taken by any person interested, when, - - - - -	27	378
notice of, how given in certain cases, - - - - -	28	378
PARTITION AND DISTRIBUTION.		
from order, decree or denial relating to partition, &c., - - - - -	18	388
SALE OF LAND.		
by party interested, from decree ordering sale, - - - - -	5	398
JUSTICES' COURTS.		
may be taken by any person aggrieved, when, - - - - -	103	435
conditions precedent to allowance of, - - - - -	104	435
allowance of, stays proceedings before justice, - - - - -	105	435
papers, &c., are to be filed in district court, - - - - -	106	435
trial of in district court, - - - - -	107	435
shall be entered on calendar of district court, - - - - -	108	436
if not entered before third day of term, judgment below may be affirmed, - - - - -	108	436
return by justice may be compelled, - - - - -	109	436
justice may be compelled to allow appeal, when, - - - - -	110	436
same, may be compelled to amend return, - - - - -	111	436
not dismissed because bond has not been given, - - - - -	112	436
tried when, - - - - -	113	436
judgment of justice may be affirmed, when, - - - - -	114	436
execution issued on, how enforced, - - - - -	115	436
surety entitled to judgment against principal, when, - - - - -	116	436
costs must be paid, or appeal not allowed, - - - - -	117	436
return may be made by justice after term expires, - - - - -	118	436
in criminal cases , from judgment of justice, allowed, - - - - -	149	442
recognizance shall be given, - - - - -	149	442
notice of, served when, trial in district court, - - - - -	150	443
taken without payment of costs, - - - - -	151	443
not prosecuted, default may be taken, - - - - -	152	443
garnishment , appeal allowed, - - - - -	180	475
from justice, costs on, in district court, - - - - -	14	496
depositions may be used, on, how, - - - - -	30	523
in proceedings by mandamus, - - - - -	13	555
in actions against boats and vessels, - - - - -	22	571
in forcible entry and detainer, - - - - -	13	573
same, proceedings stayed, - - - - -	14	573
IN CIVIL ACTIONS.		
judgment or order may be removed to supreme court, by, - - - - -	1	576

MINNESOTA STATUTES 1866

GENERAL INDEX.

727

	Sec.	Page.
APPEAL , title of parties and action, - - - - -	2	576
how taken, - - - - -	3	576
clerk shall transmit papers to supreme court, - - - - -	4	576
judgment in appellate court, - - - - -	5	576
time within which, must be taken, - - - - -	6	576
appellant to furnish court with papers, - - - - -	7	576
may be taken, when, - - - - -	8	576
bond with surety to be given, - - - - -	9	577
effect of, - - - - -	10	577
not a stay , unless bond is given, - - - - -	11	577
documents are brought into court, or bond given, - - - - -	12	577
conveyance is deposited with clerk, - - - - -	13	577
bond is given, - - - - -	14	577
when perfected, stays judgment, court may proceed on other matters, - - - - -	15	578
security , court below may dispense with or limit, when, - - - - -	15	578
judgment may be enforced, notwithstanding, when, - - - - -	16	578
bonds may be in one instrument, how secured, - - - - -	17	578
of no effect unless sureties justify, - - - - -	18	578
court may order sale of perishable property, notwithstanding stay, - - - - -	19	578
dismissal of, not to preclude party from taking another, - - - - -	20	578
PROCEEDINGS TO PREVENT CRIME.		
from order of magistrate requiring security to keep the peace, - - - - -	10	627
proceedings in district court on, - - - - -	12	629
failure to prosecute, effect of, - - - - -	13	629
IN CRIMINAL CASES.		
in district court, chapter relating to, - - - - -	—	662
<i>criminal case</i> , how removed to supreme court, - - - - -	1	662
shall stay execution of judgment, when, - - - - -	2	662
when perfected, clerk shall transmit judgment roll, &c., to supreme court, - - - - -	5	662
recognition , when and how given, - - - - -	8	663
same, not given, party shall be committed, - - - - -	9	663
dismissal of, not to preclude party taking another within time limited, - - - - -	10	663
APPEARANCE , in justice court, what time allowed for, - - - - -	19	424
in civil action by defendant, what is, - - - - -	57	458
APPENDIX.		
journals of either house of legislature shall have, - - - - -	27	82
shall contain what, - - - - -	27	82
who are entitled to copies, - - - - -	31	83
APPLES , dried, standard weight of bushel, twenty-eight pounds, - - - - -	10	224
APPOINTMENT , made during recess of legislature, how long to continue, - - - - -	5	138
in cases not otherwise provided for, how long, - - - - -	6	138
APPORTIONMENT , of representation in legislature, - - - - -	2	70
APPRAISERS , of value of <i>estray</i> , who are, - - - - -	4	216
of damages caused by beasts on inclosed lands, how appointed, - - - - -	29	220
shall proceed to determine amount, - - - - -	31	220
shall certify amount with their fees, - - - - -	32	220
of school lands , how appointed, - - - - -	15	319
oath and compensation of, - - - - -	15	319
by order of commissioner of state land office, - - - - -	45	323
of improvements on school lands, how governed, - - - - -	48	324
of estates of deceased persons, how appointed, - - - - -	2	372
duties of, - - - - -	3	372
ward estate of, how appointed, - - - - -	18	401
fees of, when no express provision is made, - - - - -	26	510
APPRENTICES. See MASTERS, APPRENTICES AND SERVANTS, - - - - -	—	403
county commissioners may bind out pauper, - - - - -	16	206
ARBITRATION. See ARBITRATORS, - - - - -	—	586
controversy concerning land submitted to, - - - - -	5	337
ARBITRATORS , chapter relating to, - - - - -	—	586
what controversies may be submitted, - - - - -	1	586
“ “ shall not be submitted, - - - - -	2	586
parties shall execute agreement; form of, - - - - -	3	586
justice shall subjoin certificate; form of, - - - - -	3	586
statement shall contain, what, - - - - -	4	587
submission irrevocable without consent, - - - - -	5	587
duty of, - - - - -	6	587
shall be sworn, - - - - -	7	587
award to be made, when, - - - - -	8	587
requisites of, - - - - -	9	587
shall be delivered to clerk, - - - - -	10	587

MINNESOTA STATUTES 1866

728

GENERAL INDEX.

	Sec. Page.
ARBITRATORS , how disposed of by court, - - - - -	11 587
on what grounds may be vacated, - - - - -	12 587
in what cases may be modified or corrected, - - - - -	13 588
returned to court, when, proceedings in court thereon, - - - - -	14 588
judgment upon, how entered, - - - - -	15 588
judgment , record of, how made, - - - - -	16 588
how filed and docketed, - - - - -	17 588
costs , how regulated, - - - - -	18 588
duties and powers of, construction of chapter, - - - - -	19 588
ARRAIGNMENT OF DEFENDANT , chapter relating to, - - - - -	684
at what time and in what court made, - - - - -	1 648
defendant must be personally present, when, - - - - -	2 648
court may direct officer to produce defendant, when necessary, - - - - -	3 648
bench warrant may issue, when, - - - - -	4 648
clerk may issue bench warrant on application of county attorney, - - - - -	5 649
form of bench warrant in case of felony, - - - - -	6 649
same, in case of misdemeanor, - - - - -	7 649
bail , court shall fix amount of, - - - - -	8 649
bench warrant may be served, how, - - - - -	9 649
proceedings on arrest of defendant, - - - - -	10 649
magistrate shall proceed, how, - - - - -	11 649
court may increase bail, and commit defendant, when, - - - - -	12 649
bench warrant may issue to enforce order of commitment, - - - - -	13 649
counsel , court shall inform defendant of his right to have, - - - - -	14 649
arraignment, how conducted, - - - - -	15 649
defendant shall be asked to give his true name, - - - - -	16 649
name given may be inserted in minutes, &c., - - - - -	17 650
time to plead allowed, - - - - -	18 650
motion , defendant may make, to set aside indictment, may demur or plead, - - - - -	19 650
ARREST of delinquent witness by process from justice's court, - - - - -	45 427
for contempt before justice, - - - - -	121 437
in criminal cases by justice, - - - - -	132 443
of judgment debtor in proceedings supplementary to execution, - - - - -	300 493
for contempt of court. <i>See</i> CONTEMPTS, - - - - -	579
ARRESTS , chapter relating to, - - - - -	630
person arrested, right to know grounds of, - - - - -	1 595
definition of, - - - - -	1 630
by whom made, - - - - -	2 630
who must aid officer in making, - - - - -	3 630
may be made, when, - - - - -	4 630
in what manner made, - - - - -	5 630
unnecessary restraint forbidden, - - - - -	6 630
officer, making, shall disclose authority, - - - - -	7 630
may use means necessary to effect, - - - - -	8 630
break open door or window to execute warrant, when, - - - - -	9 630
same, to liberate himself or another, - - - - -	10 630
without a warrant , by officer, when, - - - - -	11 630
same, may break open door or window, - - - - -	12 631
at night, on reasonable cause, - - - - -	13 631
officer shall disclose authority and cause of, - - - - -	14 631
officer may take before magistrate a person arrested by a bystander, - - - - -	15 631
may be made on verbal order of magistrate, when, - - - - -	16 631
by private person , allowed, in what cases, - - - - -	17 631
same, shall disclose cause of arrest, and require submission, - - - - -	18 631
may break open door or window, - - - - -	19 631
shall take party arrested to magistrate or officer, - - - - -	20 631
escape of party arrested, may be pursued and re-taken, - - - - -	21 631
same, pursuer may break open door or window, - - - - -	22 631
magistrate may issue warrant of, when, - - - - -	2 632
of defendant after default on recognizance, - - - - -	30 635
bench warrant , when and where served, - - - - -	54 641
same, after indictment found, - - - - -	4 648
ARSON , destroying human life, how punished, - - - - -	1 603
same, if life of no person was destroyed, - - - - -	1 603
in day time, how punished, - - - - -	2 603
may be committed by married woman, of her husband's house, - - - - -	7 603
forms in indictment for, - - - - -	2 642
ASSAULT , not indictable, but dealt with in a summary manner, - - - - -	157 443
action for, within what time brought; - - - - -	8 451
jury may convict of, when felonious intent is not found, - - - - -	12 594

MINNESOTA STATUTES 1866

GENERAL INDEX.

729

	Sec. Page.
ASSAULT , with intent to murder or maim, how punished, -	32 600
same, to do great bodily harm, -	33 600
to kill or maim, if resisted, -	34 600
to rob, armed with dangerous weapon, -	25 601
with intent to rob or steal, -	37 601
with intent to commit rape, -	41 601
ASSESSMENT of damages, defendant may demand, -	67 459
ASSESSMENT ROLL , delivered to assessor, when, -	43 168
ASSESSOR of roads, in counties not divided into towns, how appointed—powers, -	105 118
<i>Township assessor - 1872-92</i> TOWN.	
of town, elected by ballot, -	25 142
shall take oath of office, -	34 143
file certificate of same with town clerk, -	35 143
effect of neglect to file oath or bond, -	36 143
penalty for performing duties before taking oath, -	43 144
fees of, -	82 148
TAXES.	
shall appraise property for taxation, -	7 156
may examine person listing property, on oath, -	7 156
shall require oath of person not having property to list, -	8 157
take oath and give bond, -	25 162
effect of failure to do so, -	25 162
assessment of property, shall make, when, -	26 162
shall leave with each person notice to make statement of property for taxation, -	26 162
at same time shall deliver form of statement required, -	26 162
notice of amounts assessed and of meeting of board of equalization, -	26 162
effect of failure to deliver such notice, -	26 162
shall ascertain value of property, when, -	27 163
may examine persons on oath as to value of property, -	27 163
may return value from general reputation, when, -	28 163
shall deliver list of names, &c., to county auditor, -	29 163
also deliver statements received, -	30 164
take list of real property subject to taxation since last listing, -	31 164
new structures , shall estimate value of -	31 164
shall make deduction for structures destroyed, -	31 164
take oath and attach same to his return, -	32 164
assess value of each tract of land, -	33 165
may have land surveyed, when, -	33 165
shall return expense of survey to county auditor, -	33 165
value of buildings noted separately, when, -	33 165
shall note number of acres of plow land, &c., -	33 165
enter, with consent of owner, all buildings, to determine value thereof, -	34 165
make return to county auditor of real property in his district, -	35 165
return shall contain, what, -	35 165
shall give description of burying grounds, school houses, &c., -	36 166
value all exempt property, &c., -	36 166
assistant assessor , may appoint, -	37 166
shall ascertain value of lands transferred on grand list, -	39 166
ascertain and return value of real estate, omitted on first return, -	46 168
penalty for official misconduct relating to matter of taxes, -	69 173
school lands , appraisal of, shall make annually, -	21 320
ASSETS , deficiency of, action brought to recover lands fraudulently conveyed, -	15 374
proceeds of goods, &c., recovered, considered as, -	18 374
distribution of, division relating to, -	— 379
sufficiency of, debts shall be paid, -	33 379
when insufficient, debts paid in what order, -	34 379
decree for distribution of, court shall make, -	36 379
may leave sufficient to pay disputed claim, -	37 379
remaining, court may order distributed, when, -	39 380
liability of executor to extent of, after time of payment arrives, -	40 380
contingent claim to have share of, retained, -	43 380
same entitled to payment on becoming absolute, -	45 380
paid within what time, -	46 381
deficiency of creditor may recover, when, and of whom, -	47 381
judgment rendered for amount of, in hands of executor, when, -	48 381
same, not deemed evidence of, in hands of executor unless complaint was personally served, -	3 546
creditor may recover value of, when, and of whom, -	8 546
deficiency of personal, may be recovered, when, and of whom, -	31 549
ASSIGNEE of tax certificate to possess rights of purchaser, -	128 184

MINNESOTA STATUTES 1866

730

GENERAL INDEX.

Asylum Inebriate 1873-119

	Sec.	Page.
ASSIGNEE , of state, purchaser of land at tax sale taken as,	151	188
purchaser of public land, rights of,	29	321
action by, not to prejudice set-off, &c.,	27	453
ASSIGNMENT , of property of limited partnership, void, when,	17	238
same, of either partner, void, when,	18	238
of mortgage, recording of, not notice to mortgagor,	24	311
of existing trust in goods, &c., void unless in writing,	9	334
goods, &c., in trust, void as against creditors,	14	335
goods, &c., void unless delivery is made,	15	335
fraudulent, of lands, &c., void, as against creditors,	18	335
general, what power and interest will pass by,	32	346
of lower, by probate court, made when,	8	361
same, when property is indivisible, how to proceed,	11	361
proceedings to enforce, must be taken, when,	19	362
ASSISTANT ASSESSOR , who may appoint,	37	166
shall give bond and take oath,	37	166
powers and duties,	37	166
ASSISTANT CLERK , of house of representatives, when elected,	7	72
entitled to copy of laws,	33	83
ASSISTANT SECRETARY , of senate, term of office,	6	71
entitled to copy of laws,	33	83
ASSISTANT SECRETARY , of state, shall be appointed by secretary, and sworn,	8	86
salary eight hundred dollars per annum,	1	93
ATTACHMENT , in action to enforce lien on logs may issue, when,	33	249
IN JUSTICES' COURTS.		
may issue to any county in the state,	1	421
against delinquent witness, justice may issue,	44	427
same, how executed,	45	427
creditor entitled to proceed by, when and how,	90	433
affidavit for, what shall contain,	91	433
returnable in three days, when,	92	433
bond required,	93	433
writ of, returnable as an ordinary summons,	94	434
pleadings in actions commenced by, how regulated,	99	434
dissolution of, when obtained,	100	434
IN DISTRICT COURTS.		
property of defendant may be attached, when,	128	466
writ of, obtained of whom,	129	466
allowed when,	130	466
bond shall be given,	131	467
to whom directed and what to contain,	132	467
several writs may issue at same time,	132	467
property subject to,	133	467
how executed,	134	467
sheriff may require certificate in certain cases,	135	468
sell perishable property,	136	468
demand indemnity, when,	137	468
have plaintiff impleaded with him, when,	138	468
property not liable till that of co-defendant is exhausted,	138	468
shall satisfy judgment out of property attached,	139	468
motion to vacate may be made when,	140	469
made on affidavit, may be opposed on affidavit,	141	469
writ, when executed or discharged, shall be returned,	142	469
release of, on real estate, how effected,	143	469
on part of real estate, how effected,	144	469
register of deeds shall record,	145	469
on personal property, how effected,	146	469
judgment , payment of, may be enforced by,	261	487
exemption from , of certain personal property,	279	489
of certain quantity of land as a homestead,	1	498
may issue for delinquent witness,	5	520
ATTORNEY. See COUNTY ATTORNEY,	—	129
ATTORNEY GENERAL , keep office at seat of government,	34	89
appear for state in causes in which state is interested,	35	89
prosecute criminals and appear in criminal cases,	36	89
official bonds of delinquent officers,	37	89
trespasses on school lands,	39	89
attend to applications to pre-empt school lands,	38	89
prosecute delinquent assessors and officers,	39	89
institute proceedings against corporations,	39	89

868-61

MINNESOTA STATUTES 1866

GENERAL INDEX.

731

Sec. Page.

ATTORNEY GENERAL.

give legal advice to state officers and written opinion to legislature when required,	40	90
prepare forms of contracts, &c., for state officers,	41	90
not required to give security on appeal in behalf of state,	42	90
keep register of actions and opinions,	43	90
deliver registers to successor,	43	90
make annual report to governor,	44	90
salary one thousand dollars per annum, with per diem, and mileage,	1	93
shall proceed to collect taxes of officers of bank, when,	21	161
give opinion on questions relating to taxes,	84	177
entitled to copy of reports of supreme court,	4	231
bank , shall commence action to annul existence of, when,	44	261
duty of, as to corporations,	172	293
to examine into the affairs and condition of corporations, when,	172	293
powers of, when called to examine into condition of corporation,	172	293
to give opinion relative to title concerning schools, when,	37	305
decisions of, to be published,	38	305
to give opinion on request of commissioner of land office, when,	37	322
institute action to take account, &c., of property of corporation, when,	12	553
investigate grounds of application for fugitive from justice, when,	1	626
same, in case of demand by executive of another state,	2	626

ATTORNEY AT LAW. See COUNTY ATTORNEYS,

sheriff, deputy sheriff, and coroner cannot practice as,	177	129
judge of probate not to act as, when,	11	366
district judge not to practice as, nor be partner with,	6	414
justice not to have office with,	3	421
not to practice before justice who is his law partner,	3	421
may make affidavit to remove cause from justice,	18	424
verify pleadings before justice,	29	425
notice of appeal may be served on,	104	435
summons may be subscribed by,	44	455
affidavit for order of publication made by,	49	456
service of papers on, how made, -	59	458
same, made on, instead of party,	62	458
verification by, when allowed and form of,	87	461
same, of copy of account declared on,	88	461
garnishment , affidavit for, may be made by,	149	470
same, may issue summons,	149	470
note of issue , name to be on,	200	478
may waive jury trial by written stipulation,	223	481
satisfaction of judgment , shall give acknowledgement of satisfaction of judgment, when,	255	486
subscribe summons in proceedings supplementary to judgment,	258	486
execution shall be indorsed by,	264	488
compensation of, left to agreement,	1	495
in cause, not entitled to fees as witness,	36	511
oath of,	5	517
cannot be compelled to testify, without consent of client,	10	520

ATTORNEYS AND COUNSELLORS. Chapter relating to,

admission of, who entitled,	1	582
application for admission, how made,	2	582
applicant shall be examined,	3	582
order of admission,	4	582
general duties of,	5	582
penalty for deceit or collusion,	6	583
penalty for permitting person to sue out process, &c., in his name,	7	583
person not attorney shall not appear in supreme or district court,	8	583
authority of,	9	583
proceedings on appearance of, without authority,	10	583
court may require, to produce or prove authority,	11	583
may be changed, how,	12	583
notice of change must be given adverse party,	13	584
on death of, adverse party shall require another to be appointed, notice how served,	14	584
lien of,	15	584
power of court over,	16	584
when attorney claims lien,	17	584
supreme court may suspend or remove—for what causes,	18	584
removal , proceedings, by whom instituted,	19	585
accusation to be in writing,	20	585
verified by oath,	21	585

MINNESOTA STATUTES 1866

732

GENERAL INDEX.

	Sec.	Page
ATTORNEYS AND COUNSELLORS ; court may order accused to appear and answer,	22	585
appearance and answer of accused—proceedings on default,	23	585
answer may contain what,	24	585
objection to sufficiency of accusation, how made,	25	585
overruled, accused to answer forthwith,	26	585
proceedings on plea of guilty—on refusal to answer—on denial,	27	585
on judgment of suspension or removal, accused may make case,	28	585
what papers constitute judgment roll,	29	585
power of courts to suspend—order shall state what,	30	586
AUCTIONEERS , chapter relating to,	—	232
may be licensed by county commissioners,	1	232
shall give bond, which shall be filed,	2	232
not receive property for sale from servant or minor,	3	232
keep particular account of property sold, &c.,	4	232
selling without license, penalty,	5	232
occupant or tenant of store permitting person not licensed to sell on his premises, penalty,	6	232
chapter not to extend to sales by judicial or revenue officers,	7	233
license to remain valid for one year only,	8	233
memorandum of, deemed note of contract of sale,	8	334
AUTHORITY , joint, words giving, how construed,	1	74
conferred on three or more persons, majority may act,	222	483
AWARD , to be made, when,	8	587
shall be in writing,	9	587
be delivered to clerk,	10	587
how disposed of by the court,	11	587
on what grounds may be vacated,	12	587
may be modified or corrected in what cases,	13	588
returned to court when, proceedings in court thereon,	14	588
judgment upon, how rendered,	15	588
shall be recited in record of judgment,	16	588
if costs, arbitrators may make, when,	18	588

B

BAIL , in justice's court, accused party may give,	135	441
on habeas corpus, officer may take, when,	38	559
contempt, party in, may give,	6	580
continuance of action, defendant may give,	9	595
dismissal of action, exonerates,	10	596
EXAMINATION OF OFFENDERS.		
party arrested may give, without examination,	4	632
magistrate shall certify same on warrant,	5	633
same, refusing to take, how to proceed,	6	633
when to be taken and when refused,	17	634
shall be taken in bailable cases, if offered, and prisoner discharged,	18	634
witnesses shall give, when,	19	634
application for, to district judge, after commitment,	31	635
justification of, in all cases required,	32	635
bench warrant, party arrested on, may give,	8	649
how given before magistrate of another county,	10	649
magistrate shall certify fact, on warrant.	11	649
increased amount of, district court may require,	12	649
after indictment, discharge of defendant exonerates,	5	650
taken on re-submission of case to grand jury,	6	651
demurrer to indictment, allowance of, exonerates,	8	652
change of venue granted, defendant shall give, to appear, &c.,	3	654
appeal on writ of error, defendant taking, may give,	8	663
BAILEE . See CONSIGNEE ,	11	218
BALLOT , what shall be,	10	56
shall contain all names voted for,	10	56
folded together, how disposed of,	13	56
to be destroyed when in excess of names on list,	13	56
void, when and to what extent,	15	57
what town officers to be chosen by,	25	142
shall contain names of all persons voted for,	26	142
canvass of, how conducted,	30	142
destroyed, when,	30	142

MINNESOTA STATUTES 1866

GENERAL INDEX.

733

	Sec. Page.
BALLOT BOX , how procured and constructed, - - - - -	3 54
shall be publicly opened, emptied and locked before voting begins, - - - - -	9 56
provided for town meeting, - - - - -	28 142
BANK , officers of to make statement for purposes of taxation, - - - - -	17 160
rules for making statement, - - - - -	18 160
penalty for failure to make statement, - - - - -	20 161
officers of, shall pay draft of state auditor, - - - - -	20 161
taxes , how collected from, - - - - -	20 161
officers of, subject to action for not paying taxes when, - - - - -	21 161
penalty, in addition to amount of capital stock to be added by county auditor, when, - - - - -	24 162
BANK NOTES , how and when issued, - - - - -	1 353
expenses in procuring, paid by whom, - - - - -	1 253
denominations of, limited, - - - - -	2 253
to be countersigned and registered by auditor of state, - - - - -	3 253
numbered and registered in auditor's office, - - - - -	3 253
what amount of different denominations auditor may issue, - - - - -	4 253
how engraved, - - - - -	8 254
protested when, - - - - -	15 255
damages for failure to redeem bills, - - - - -	16 256
bills countersigned by auditor, limited, - - - - -	17 256
issued for circulation, by whom signed, - - - - -	19 257
payable, when and where, - - - - -	23 257
deposits of circulating notes prohibited so as to reduce stock securities, below what amount, - - - - -	26 258
notes returned to be destroyed by auditor of state, when, - - - - -	28 258
mutilated, how exchanged, - - - - -	29 258
of bank receivable to pay debts due to such bank, - - - - -	30 258
auditors' fees for issuing notes, - - - - -	41 260
for redeeming notes, - - - - -	42 260
BANKS AND BANKING , chapter relating to, - - - - -	— 253
who may become incorporated, - - - - -	1 253
what stocks receivable for banking purposes, - - - - -	4 253
security shall be deposited before receiving notes, - - - - -	4 253
rule of valuation of stock assigned in trust to auditor, - - - - -	4 253
depreciation of stock assigned in trust to auditor to be made good, - - - - -	4 254
no stock received by auditor till approved by the governor, - - - - -	4 254
securities , how indorsed, - - - - -	5 254
insufficient, how managed, - - - - -	6 254
not to be used to pay fees of protest, - - - - -	7 254
how bills shall be engraved, - - - - -	8 254
interest on transferred securities may be collected by association, when, - - - - -	9 254
power of attorney to receive interest may be revoked, when, - - - - -	9 254
securities changed for other securities, when, - - - - -	9 254
who may become incorporated under the laws of banks and banking, - - - - -	10 255
place of business established where, - - - - -	10 255
capital, what amount, - - - - -	10 255
certificate, what to specify, - - - - -	11 255
copy of, evidence, when, - - - - -	12 255
shall not commence banking until when, - - - - -	13 255
banking powers defined, - - - - -	13 255
shares personal property, - - - - -	14 255
how transferable, - - - - -	14 255
proceedings on failure to redeem notes, - - - - -	15 255
protest of notes may be made, when, - - - - -	15 255
maker not liable for expenses of protest, when, - - - - -	15 255
what is equivalent to regular protest, - - - - -	15 256
duty of auditor of state on receiving notice of protest, - - - - -	15 256
if maker fails to pay for forty days after notice, - - - - -	15 256
damages for failure to redeem bills, - - - - -	16 256
bills countersigned by auditor limited, how, - - - - -	17 256
capital stock , how increased, - - - - -	18 256
bills issued for circulation, by whom signed, - - - - -	19 257
may hold and convey real estate, when and for what purposes, - - - - -	20 257
list of names of stockholders to be kept filed, where, - - - - -	21 257
individual liability of stockholders, - - - - -	21 257
bill holders to have preference, when, - - - - -	22 257
bills payable, where and when, - - - - -	23 257
banking business, how relinquished, - - - - -	24 257

MINNESOTA STATUTES 1866

734

GENERAL INDEX

		Sec.	Page.
BANKS AND BANKING , bank shall cease to do business, to what extent, when its capital is reduced below \$25,000.	24		257
two years' notice of final redemption of notes to be given,	25		258
withdrawal of securities,	26		258
securities to be held in trust for redemption of bills,	27		258
returned notes to be destroyed,	28		258
mutilated notes, how exchanged,	29		258
debts of banks payable in bills of same banks,	30		258
capital reduced, no dividends until, when,	31		258
dividend if made improperly, affairs of the association may be ordered closed,	31		258
penalty for issuing illegal currency,	32		258
interest , bank rate of,	33		259
may be taken in advance,	33		259
quarterly report to be filed and published,	34		259
shall publish unclaimed interest and dividend,	35		259
statement, what to contain,	36		269
plates and dies of closed banks to be destroyed,	37		260
legislature to appoint, annually, a committee to examine treasurer's account, and sureties deposited in state auditor's office,	38		260
penalty for false statement,	39		260
auditor to give bond,	40		260
auditor's fees for issuing notes,	41		260
for redeeming notes,	42		260
penalty for violating provisions of chapter, &c.,	43		260
bank franchises, when forfeited,	44		261
securities, sold by auditor when bank is dissolved by action against,	44		261
state bank reorganizing as a national bank may have securities surrendered,	45		261
notice to be given as of final redemption of bills, upon receiving notes or securities,	46		261
BASTARDS , chapter relating to,	—		210
mother may make complaint against alleged father—warrant to issue,	1		210
proceedings on return of warrant,	2		210
alleged father may be discharged, when,	3		210
may be required to recognize, when,	4		210
proceedings in district court,	5		211
trial, how conducted,	6		211
adjudged father , shall give bond,	7		211
committed, may petition for discharge,	8		211
proceedings on hearing,	9		211
discharge directed, when,	10		211
county commissioners or mother, may recover sum due,	11		211
same, or interested person, may prosecute, when,	12		211
complaint may be made, when,	13		212
proceedings in such case,	14		212
county commissioners may make compromise,	15		212
heirs , of whom and when,	2		354
estate of , descent, how,	3		354
become legitimized by intermarriage of their parents,	17		408
mother , concealing death of, how punished,	7		621
BEASTS DOING DAMAGE , title concerning,	—		220
distrained when—damages appraised,	29		220
same, before escape from inclosure,	30		220
put in nearest pound if damages are not paid,	33		220
sold by pound-master, when,	34		220
kept elsewhere if there is no pound—owner to be notified,	35		220
redeemed by owner, when,	35		220
owner of, liable to action for damages if distress is not made,	38		220
driving away beasts distrained, &c.—penalty,	39		220
BECKER COUNTY , boundaries of,	5		97
included in seventh judicial district,	24		417
attached to Crow Wing county for judicial purposes,	33		419
BENCH WARRANT , court shall direct to issue, when,	51		640
clerk shall issue, when,	52		640
form of,	53		640
served, when and where,	54		640
may issue to bring up defendant for arraignment,	4		648
form of, in case of felony,	6		649
in case of misdemeanor,	7		649
amount of bail shall be indorsed on,	8		649
may be served, how,	9		649
may be issued to enforce order of commitment,	13		649

	Sec.	Page.
BENTON COUNTY , boundaries of, - - - - -	6	97
included in seventh judicial district, - - - - -	24	417
BENEVOLENT SOCIETIES , may become incorporated, - - - - -	54	273
they shall adopt and sign articles containing, what, - - - - -	55	273
effect of filing articles, - - - - -	56	274
no dividend or distribution until dissolution, - - - - -	57	274
corporate powers, - - - - -	58	274
cannot divert any gift from the purpose designated by the donor, - - - - -	58	274
legal process—how served, - - - - -	62	274
BIBLE , exempt from attachment or sale on final process, - - - - -	279	489
copy of, to be furnished to each prisoner in county jail, - - - - -	9	668
BIGAMY , form in indictment for, - - - - -	2	645
BIGSTONE COUNTY , boundaries of, - - - - -	7	97
included in sixth judicial district, - - - - -	23	417
attached to Renville County for judicial purposes, - - - - -	33	419
BILL OF EXCEPTIONS , motion for new trial made on, - - - - -	236	483
served on adverse party, when, - - - - -	237	483
to stand in place of or be attached to judgment roll on appeal, - - - - -	4	576
in criminal case, how obtained, - - - - -	6	662
BILL OF LADING , making false, to defraud insurer, how punished, - - - - -	37	607
BILL OF PARTICULARS , furnished to adverse party in action, when, - - - - -	88	461
may be ordered by court, - - - - -	88	461
BILLS OF EXCHANGE , falling due on Sunday, &c., when payable, - - - - -	3	226
acceptance of, must be in writing, - - - - -	6	227
damages on foreign bill, when protested, - - - - -	7	227
on inland bill, when protested, - - - - -	8	227
days of grace allowed on, when, - - - - -	10	227
on demand, no grace allowed, - - - - -	11	227
BIRDS , certain harmless, penalty for killing, - - - - -	3	222
BLUE EARTH COUNTY , boundaries of, - - - - -	8	97
included in sixth judicial district, - - - - -	23	417
BOARD OF EDUCATION , of independent school district, who constitute, - - - - -	58	309
shall meet and organize, when, - - - - -	59	309
quorum of, how many members form, - - - - -	61	309
may fill vacancies, - - - - -	62	309
records of, duly signed, evidence, - - - - -	66	310
meetings of, held when, - - - - -	69	311
powers and duties of, - - - - -	70	311
shall keep schools in operation how long each year, - - - - -	71	312
appoint school examiners, when, - - - - -	73	313
BOARD OF HEALTH . See TOWN SUPERVISORS, - - - - -	—	145
BOARD OF TRUSTEES , of school district, who constitutes, - - - - -	10	300
shall hire teachers for and in name of district, - - - - -	12	300
BOAT , overloading with passengers or freight, &c., how punished, - - - - -	17	599
captain or engineer of, racing, &c., how punished, - - - - -	18	599
BOATS AND VESSELS , actions against, chapter relating to, - - - - -	—	568
liable for what, - - - - -	1	569
action, how instituted, - - - - -	2	569
complaint shall show what,—to be verified, - - - - -	3	569
clerk shall issue warrant, when, - - - - -	4	569
proceedings on return of warrant, - - - - -	5	569
appearance and answer, who may make, - - - - -	6	569
boat may be discharged, on bond, - - - - -	7	569
court may order sale, when, - - - - -	8	569
execution against obligors in bond, when, - - - - -	9	569
owner, summoned to show cause, when, - - - - -	10	570
summons shall contain what, how served, - - - - -	11	570
shall be accompanied by affidavit, - - - - -	12	570
answer of party summoned, may contain what, - - - - -	13	570
pleadings and trial, - - - - -	14	570
IN JUSTICES' COURTS.		
justices to have jurisdiction, when, - - - - -	15	570
proceedings before, how governed, - - - - -	16	570
warrant , when returnable and proceedings on return, - - - - -	17	570
how served and returned, - - - - -	18	570
power of officer under order of sale, - - - - -	19	570
continuance may be granted when, effect of, - - - - -	20	571
plaintiff not entitled to, - - - - -	21	571
appeal may be taken, - - - - -	22	571
actions against to be commenced within one year, - - - - -	23	571

Board of
Grade
1868-85

1-6
5-11

MINNESOTA STATUTES 1866

736

GENERAL INDEX.

	Sec	Page.
BOND , appellant shall give in contested election case,	49	64
STATE OFFICERS.		
868-88 of state auditor, penalty and condition,	11	86
state treasurer, approved by governor,	24	88
state librarian, approved by governor,	47	90
clerk of supreme court,	60	92
COUNTY OFFICERS.		
1869-29 of county auditor, to be recorded in registry of deeds,	112	119
county treasurer, shall be recorded in registry of deeds,	124	121
not affected by giving of new bond,	141	123
to county treasurer, who shall prosecute,	146	124
of register of deeds, to be recorded and filed in office of clerk of district court,	153	125
sheriff, shall be recorded in office of register of deeds,	165	127
county attorney, shall be deposited in office of district clerk,	180	129
judge of probate, to be recorded in office of register of deeds,	188	131
clerk of judge of probate, to be recorded,	192	131
court commissioner shall be recorded,	195	131
county surveyor—penalty and conditions,	199	132
coroner, shall be approved and recorded,	207	133
deputy coroner, shall be recorded,	223	136
clerk of district court, shall be recorded,	225	136
deputy clerk, shall be recorded,	228	136
TOWN OFFICERS.		
town officer, effect of neglect to give,	36	143
town treasurer, shall be recorded,	39	143
town constable, shall be recorded,	40	143
justice of the peace, shall be filed,	41	143
town clerk, shall be filed with district clerk,	65	143
tax assessor, to be approved by county auditor,	25	162
assistant assessor,	37	166
overseer of poor,	8	203
OTHER PERSONS.		
party licensed to sell liquor,	2	207
violation of conditions of,—penalty,	3	203
county attorney to prosecute,	5	203
judgment on, who liable for,	7	203
of alleged father of illegitimate child,	3	210
adjudged father of illegitimate child,	7	211
notaries public,	2	229
party appealing from assessment of damages under mill dam act,	11	240
same, to prosecute appeal,	12	240
surveyor general of logs and lumber,	8	243
shall be filed with county auditor,	9	243
of applicant for license to erect dam to sluice logs, &c.,	45	251
on appeal from assessment of damages for right of way,	24	267
EXECUTORS AND ADMINISTRATORS.		
executors shall give, to judge of probate,	2	367
same, residuary legatee, shall give, how,	3	367
administrator with will annexed, shall give,	7	369
separate or joint, from executors, judge of probate may take,	13	368
every administrator shall give,	4	370
separate or joint, from administrators,	19	372
on appeal from commississioners, by claimant,	21	378
same, by person interested,	27	378
ordered by probate court,—how taken,	1	384
action on, brought when,	2	384
same, by whom brought,	3	384
creditor may be authorized to bring,	4	384
on sale of lands to pay debts, &c.,	7	390
same, security for what,	8	390
of indemnity on sale, may be demanded,	14	391
same, how conditioned,	15	391
of executor, administrator or guardian required, when,	33	393
guardian, on application to sell land of lunatic,	52	396
same, shall be prosecuted when forfeited,	53	396
IN ACTIONS IN JUSTICES' COURTS.		
of party before taking judgment in justice's court,	68	430
plaintiff in replevin,	83	432
for attachment,	93	433
defendant to retain property attached,	95	434
third person to retain property attached in his hands as belonging to defendant,	96	434

MINNESOTA STATUTES 1866

GENERAL INDEX.

737

	Sec.	Page.
<i>1868-119</i>		
BOND , of defendant to obtain dissolution of attachment,	100	434
on appeal in justice's court, required,	104	435
appeal, may be given on motion to dismiss,	112	436
- IN CIVIL ACTIONS—DISTRICT COURT.		
required to be given in civil actions, shall be filed,	65	458
in action to obtain possession of personal property, given by plaintiff,	117	465
same, by defendant, to retain possession of property,	118	465
approval of sureties to be indorsed, and bond delivered,	124	466
to obtain attachment of property, must be given,	131	467
of indemnity, sheriff may demand, when,	137	468
action on, plaintiff-made party,	138	468
to obtain injunction, in what sum given,	185	475
obtain judgment when summons was not personally served,	192	477
of defendant in proceedings supplementary to the execution,	300	493
to secure costs, when to be given,	19	497
same, put in suit, when,	21	497
official , action on, who may bring,	2	550
same, leave must first be had of district court,	3	550
for successive or different delinquencies,	4	550
on habeas corpus , required when,	49	561
on appeal , to be given,	9	577
may be in one instrument—how served,	17	578
of no effect unless sureties justify,	18	578
BONDS , for payment of money, negotiable same as promissory notes,	2	226
BOOM , not permitted on certain rivers without sluiceway,	2	242
declared a public nuisance, when,	3	242
logs may be turned out of; when,	27	248
willful injury to, how punished,	28	248
BOTTOMRY , contract of; not affected by provisions of statute of frauds,	15	335
BOUNDARIES OF COUNTIES , title relating to,	—	96
Aiken county, how bounded,	2	96
Andy Johnson county, how bounded;	3	96
Anoka county, how bounded,	4	97
Becker county, how bounded,	5	97
Benton county, how bounded,	6	97
Big Stone county, how bounded,	7	97
Blue Earth county, how bounded,	8	97
Brown county, how bounded,	9	98
Carlton county, how bounded,	10	98
Carver county, how bounded,	11	98
Cass county, how bounded,	12	98
Chippewa county, how bounded,	13	99
Chisago county, how bounded,	14	99
Clay county, how bounded,	15	99
Cottonwood county, how bounded,	16	99
Crow Wing county, how bounded,	17	100
Dakota county, how bounded,	18	100
Dodge county, how bounded,	19	100
Douglas county, how bounded,	20	100
Faribault county, how bounded,	21	101
Fillmore county, now bounded,	22	101
Freeborn county, how bounded,	23	101
Goodhue county, how bounded,	24	101
Hennepin county, how bounded,	25	101
Houston county, how bounded,	26	102
Isanti county, how bounded,	27	102
Itasca county, how bounded,	28	102
Jackson county, how bounded,	29	102
Kanabec county, how bounded,	30	103
Kandiyohi county, how bounded,	31	103
Lac qui Parle county, how bounded,	32	103
Lake county, how bounded,	33	103
Le Sueur county, how bounded,	34	103
Lincoln county, how bounded,	35	104
Manomin county, how bounded,	36	104
Martin county, how bounded,	37	104
McLeod county, how bounded,	38	104
Meeker county, how bounded,	39	105
Mille Lacs county, how bounded,	40	105
Monongalia county, how bounded,	41	105

MINNESOTA STATUTES 1866

738

GENERAL INDEX.

	Sec.	Page.
BOUNDARIES OF COUNTIES, Morrison county, how bounded,	42	105
Mower county, how bounded,	43	105
Murray county, how bounded,	44	106
Nicollet county, how bounded,	45	106
Nobles county, how bounded,	46	106
Olmsted county, how bounded,	47	106
Ottertail county, how bounded,	48	106
Pembina county, how bounded,	49	107
Pino county, how bounded,	50	107
Pipestone county, how bounded,	51	107
Polk county, how bounded,	52	107
Pope county, how bounded,	53	107
Ramsey county, how bounded,	54	108
Redwood county, how bounded,	55	108
Renville county, how bounded,	56	108
Rice county, how bounded,	57	108
Rock county, how bounded,	58	109
Saint Louis county, how bounded,	59	109
Scott county, how bounded,	60	109
Sherburne county, how bounded,	61	109
Sibley county, how bounded,	62	109
Stearns county, how bounded,	63	110
Steele county, how bounded,	64	110
Stevens county, how bounded,	65	110
Todd county, how bounded,	66	111
Traverse county, how bounded,	67	111
Wabashaw county, how bounded,	68	111
Wadena county, how bounded,	69	111
Waseca county, how bounded,	70	112
Washington county, how bounded,	71	112
Watonwan county, how bounded,	72	112
Winona county, how bounded,	73	112
Wright county, how bounded,	74	112
of towns, shall remain as now established,	7	140
BREAKING, dwelling house in night time, with intent to commit felony, having entered		
with such intent, the offender being armed, and making assault, how punished,	9	604
the offender not being armed,	10	604
BREAKING AND ENTERING, dwelling house by night with intent, being armed, to		
commit felony, &c., how punished,	9	604
same, not being armed, nor making assault, &c., how punished,	10	604
any office, ship, &c., with intent to commit felony, how punished,	11	604
in day time or entering in night time without breaking, with such intent,	12	604
BRIBERY, provisions relating to,	—	614
giving or offering bribes to officers, how punished,	7	614
acceptance of bribes by officers,	8	614
bribing court, juror, arbitrator or referee,	9	614
accepting bribes by judicial officers,	10	614
accepting money for omitting to perform duty,	21	616
BRIDGES, money voted for, at town meeting,	15	140
town supervisors to have care of,	1	190
overseer of highways to repair, if washed away,	13	192
fines collected laid out in repairing,	22	193
road tax to be expended on,	28	194
penalty for driving over, faster than a walk,	71	199
shall have signboard at each end,	74	200
penalty for running toll bridge,	75	200
law of, when persons meet or pass each other on,	1	201
rule for passing carriage going in same direction,	2	201
BRINGING MONEY INTO COURT, in case of tender—effect on costs,	11	496
belonging to absent or unknown party in action for partition,	38	537
in case of surplus on foreclosure sale for cash,	34	566
in action of foreclosure for installments,	36	566
BROKER, shall report average value of property for taxation, when,	14	159
penalty for failing to report,	15	159
who held to be,	19	161
shall not act as notary public, when,	7	230
BROTHERS, in what order liable to support pauper brother,	2	202
when to inherit property of brothers or sisters,	1	353
BROWN COUNTY, boundaries of,	9	98
included in sixth judicial district,	23	417

MINNESOTA STATUTES 1866

GENERAL INDEX.

739

	Sec.	Page.
BURGLARY, by person armed with dangerous weapon, how punished,	9	604
same, by person not armed,	10	604
BURIAL, of dead body by coroner, expenses paid by county,	222	136
of poor person, county charge, when,	17	206
lot for, in graveyard, exempt from attachment or sale,	279	489
BURIAL GROUNDS. <i>See</i> CEMETERY ASSOCIATIONS,	—	280
exempt from taxation, when,	3	155
opening road through, how punished,	17	622
BURNING, dwelling, in night time, how punished,	1	603
same, in day time,	2	603
churches, &c., in night time,	3	603
same, in day time,	4	603
banking house, store, mill, &c.,	5	603
boards, timber, stack of hay, grain, &c.,	6	603
by married woman, of property belonging to her husband,	7	603
goods, or building to injure insurer,	8	604
BUSHEL, inside diameter of,	7	224
standard weight of, for certain kinds of grain,	10	224
BUYING, property known to have been stolen, how punished,	18	605
same, offense of, justice to have jurisdiction, when,	19	605
person guilty of, triable, when,	20	605
BY-LAWS, made by town, shall not take effect until published,	11	140
when duly made and so published are binding,	11	140
may be made when, and concerning what,	15	140
copies of, shall be posted by town clerk and entry thereof made in town records,	69	147

State Capital - 1871 - 1872 - 1874

CALENDAR, clerk shall enter causes on, according to date of issue,	200	478
issues on, disposed of, in what order,	201	478
criminal calendar , chapter relating to,	—	658
clerk shall prepare calendar of indictments,	1	658
issues on, disposed of, in what order,	2	658
CAMP MEETINGS, penalty on peddling liquor, &c., within two miles of,	23	623
CANAL, malicious injury to, or draining water from, how punished,	41	608
CANVASS OF VOTES, shall be continued, without adjournment, until finished,	12	56
in what manner commenced,	13	56
at town meeting,	29	142
how conducted,	30	142
CAPTAIN, of steamboat, guilty of manslaughter, when,	18	599
CARDS, gambling with, prohibited,	6	619
person dealing at faro, or forty-eight, how punished,	7	619
money lost at, may be sued for, in civil action,	12	619
notes, &c., given for money won at, void,	13	619
CARLTON COUNTY, boundaries of,	10	98
<i>1872-109</i> included in seventh judicial district,	24	417
attached to Saint Louis county, for judicial purposes,	33	417
CARRIAGES, &c., drivers of, meeting, to turn to the right,	1	201
same, passing others going in same direction, to turn to the left,	2	201
owners of, not to employ drunken drivers,	3	201
drivers of, not to leave horses unfastened, when,	5	201
owners of, liable for acts of driver,	6	201
CARRIER, common, of property, has lien for charges,	17	592
of goods, converting them, guilty of larceny,	24	606
CARRYING, dangerous weapons, compelled to recognize to keep the peace, when,	17	629
CARVER COUNTY, boundaries of,	11	98
included in fourth judicial district,	22	417
CARTWAYS, shall be laid out by supervisors, two rods wide,	56	197
cost of surveying and locating same, how paid,	56	197
<i>1873-96</i> damages, paid by whom,	56	197
may have gates at entrance,	57	198
failing to close, or damaging same—penalty,	57	198
CASS COUNTY, boundaries of,	12	98
<i>1872-145</i> included in seventh judicial district,	23	417
attached to Crow Wing county, for judicial purposes,	33	419
CATTLE. <i>See</i> ESTRAYS, ETC.,	—	216
malicious killing or maiming, how punished,	39	608

Canada Thistles 1872-97

MINNESOTA STATUTES 1866

740

GENERAL INDEX.

	Sec.	Page.
CEMETERY ASSOCIATIONS, title relating to,	—	280
who may form,	92	280
how to proceed to form,	92	280
trustees, to be divided into three classes, when and by whom,	93	280
to hold their respective terms, how long,	93	280
chairman and secretary of meeting to make certificate and have it recorded within		
three days,	94	280
certificate shall state what,	94	280
effect of making and recording certificate,	95	280
may make by-laws,	96	281
trustees of, to manage affairs of association,	97	281
same, to appoint what officers,	97	281
may require treasurer to give security, for what,	97	281
actuary shall keep record of interments,	98	281
record of interments, open to public inspection,	99	281
may acquire property by purchase or gift,	101	281
shall file map,	101	281
may sell property and apply proceeds, when,	101	281
trustees may sell lots, when map is filed,	102	281
annual election of trustees, when,	103	281
term of office—voters,	103	281
trustees to be chosen from lot owners,	104	282
same, may appoint day of election, when,	105	282
shall make report,	106	282
proceeds of sales of lots, how applied,	107	282
penalty for injury to monuments, &c.,	108	282
property of, exempt from taxation and sale on execution,	109	282
lots inalienable, after first interment,	110	282
interest of one of several heirs in lot, may be released, how,	110	282
CEMETERIES, PRIVATE, how established,	111	283
stone to be fixed at corner of cemetery,	112	283
plat shall contain, what,	113	283
effect of making and recording plat,	114	283
exempt, from sale on execution, and taxation,	115	283
no street to be laid through such cemetery, without consent of owner,	115	283
cemeteries, streets and alleys therein may be vacated by district court,	116	283
ELECTIONS.		
CERTIFICATE, of election, governor to give,	23	59
of names of electors, governor to give,	25	59
naturalization, elector shall produce when,	65	67
election, prima facie evidence of right to seat,	4	71
election of United States senator, who shall give,	21	73
CERTAIN OFFICERS.		
secretary of state to volume of session laws, shall contain, what,	24	81
county commissioner to be filed and recorded,	91	116
sheriff to give, on receiving process to be executed,	169	127
of town clerk, that person is town treasurer, shall be presented to county auditor,	56	171
TAXES.		
erroneous taxation, deposited with county treasurer,	90	178
purchase of land at tax sale, given,	127	184
such certificate assignable,	128	184
of purchase, of land forfeited at tax sale,	129	184
effect of such certificate,	129	184
of taxes, interest, &c., due on lands sold, auditor to give,	132	185
shall be evidence of redemption, when,	132	185
may be presented to county treasurer,	133	185
of road tax, unpaid, by overseer of highways,	26	193
ESTRAYS.		
fence viewers, of value of estray,	4	216
town clerk, of description of estray,	6	217
NOTARIES PUBLIC.		
clerk of court, as to official acts of notary,	5	229
TOWN PLAT.		
acknowledgment of town plat, to be recorded,	4	233
LIMITED PARTNERSHIP.		
limited partnership, what to contain,	4	236
same, how executed,	5	236
shall be filed and recorded,	6	236
shall be published,	9	237
of renewal or discontinuance of limited partnership,	11	237

MINNESOTA STATUTES 1866

GENERAL INDEX.

741

		Sec. Page.
CERTIFICATE.		
LOGS AND LUMBER.		
of surveyor general, as to record of mark, evidence,	19	246
BANK OFFICERS.		
persons establishing bank shall make, specifying what,	11	255
copy of, evidence, when,	12	255
CHURCH OFFICERS.		
elders of church to give, certifying names of those elected trustees,	71	276
shall be acknowledged and recorded,	72	276
FOREIGN INSURANCE COMPANIES.		
of state treasurer to foreign insurance companies, to show what,	117	284
foreign insurance companies entitled to, when,	119	285
TEACHERS.		
county superintendent to issue three grades of, to teachers,	51	308
LAND OFFICE.		
of commissioner of land office, evidence,	5	318
commissioner of land office shall give, when,	8	318
shall set forth that the same shall be void, when,	9	319
governor to issue, of payment, and give patents,	11	319
effect of certificate of purchase,	17	320
ACKNOWLEDGMENTS OF DEEDS.		
what, to entitle deed to be recorded,	20	330
MARRIAGE.		
person solemnizing, shall give,	10	407
same, shall be delivered to clerk of court,	11	407
neglect to make and deliver, penalty,	12	407
among Quakers, clerk shall give,	16	408
JUSTICES OF THE PEACE.		
on judgment, for purpose of set-off,	61	429
refusing to set off judgments,	62	429
furnishing transcript for district court,	70	430
that execution has been issued, and returned unsatisfied,	71	431
on conviction before him,	155	443
same, shall be filed with clerk,	156	443
SERVICE OF SUMMONS.		
shall state, what,	53	457
SALE OF REAL PROPERTY.		
officer-making sale, shall give,	289	491
shall be acknowledged and recorded,	289	491
operate as conveyance, when,	290	491
REDEMPTION OF REAL PROPERTY.		
shall be given, when,	294	492
acknowledged and recorded, when,	294	492
effect of, when creditor redeems,	294	492
WITNESSES AND DEPOSITIONS.		
of time and attendance, clerk to give witness for state,	42	512
justice, shall be annexed, form of,	25	522
EVIDENCE.		
to affidavit, record or other paper, how made,	58	527
of conviction before justice, evidence, when,	79	529
marriage, receivable, when,	88	530
justice, to agreement to submit controversy to arbitration, form of,	3	586
justice, to agreement to submit controversy to arbitration, form of,	1	413
CERTIORARI , supreme court may issue writ of,	—	115
CHAIRMAN OF COUNTY COMMISSIONERS. See COUNTY COMMISSIONERS,	—	143
CHAIRMAN OF TOWN SUPERVISORS. See TOWN SUPERVISORS,	—	143
shall bring action for penalty against overseer of highways,	6	191
ELECTIONS.		
CHALLENGE , of person offering to vote,	65	68
judge of election shall make, when,	69	68
person swearing falsely, when challenged, commits perjury,	71	68
at town meeting, how conducted,	21	142
JURORS.		
in justice's court , in civil cases, effect of,	56	429
in criminal cases, either party may take,	144	442
in district court , in civil actions,	208	479
to grand jury , who may take,	13	637
same, causes of, to panel,	14	637
causes of, to individual juror,	15	637
shall be entered on minutes and tried by court,	16	638
decision shall be entered on minutes,	17	638

MINNESOTA STATUTES 1866

742

GENERAL INDEX.

	Sec.	Page.
CHALLENGE , to panel allowed, effect of, - - - - -	18	638
to individual juror allowed, effect of, - - - - -	19	638
to trial jury , in criminal cases, chapter relating to,	—	659
definition and kinds of, - - - - -	1	659
defendants must join in, - - - - -	2	659
to panel , defined, - - - - -	3	659
shall be founded on what, - - - - -	4	659
be taken when and how, - - - - -	5	659
adverse party may except to, when, - - - - -	6	659
exception to, may be withdrawn, and facts denied,	7	659
may be amended, - - - - -	7	659
denial of, may be oral, proceedings thereon, - - - - -	8	659
on trial of, what testimony may be taken, - - - - -	9	659
court to inform defendant when he must challenge juror,	10	660
kinds of challenge, - - - - -	11	660
shall be taken when juror appears, - - - - -	12	660
peremptory, defined, - - - - -	13	660
how many, defendant is entitled to, - - - - -	14	660
who may, for cause, - - - - -	15	660
for cause , is general, or particular, - - - - -	16	660
general causes of, - - - - -	17	660
particular causes of, - - - - -	18	660
for implied bias , causes of, - - - - -	19	660
for actual bias, - - - - -	20	661
exemption from service on jury not cause of, - - - - -	21	661
causes of, how stated, - - - - -	22	661
may be excepted to, or facts alleged, denied, - - - - -	23	661
trial of , when facts are denied, - - - - -	24	661
triers of, shall be appointed, and sworn, - - - - -	25	661
juror challenged may be examined as witness, - - - - -	27	661
rules of evidence in trial of, the same as in other issues, - - - - -	28	661
challenge for implied bias, court shall determine, - - - - -	29	661
court shall instruct triers, how, - - - - -	30	661
decision of triers, final, - - - - -	31	662
defendant to commence, - - - - -	32	662
shall be taken, in what order, - - - - -	33	662
duel , sending, to fight, how punished, - - - - -	28	600
accepting, carrying or delivering, how punished, - - - - -	29	600
CHANGE OF NAME , may be made by district court in case of divorce, - - - - -	29	412
CHANGE OF VENUE , in civil actions, allowed, when, - - - - -	42	455
in criminal cases, chapter relating to, - - - - -	—	654
may be had in what cases, - - - - -	1	654
defendant can have but one, - - - - -	1	654
trial, how conducted—costs by what county paid, - - - - -	2	654
court granting, shall require accused to give recognizance, when, - - - - -	3	654
shall issue warrant if recognizance is not given, - - - - -	3	654
witness shall be required to recognize to appear, - - - - -	4	654
state may apply for, and obtain, when, - - - - -	5	654
CHAPLAIN , of state prison, appointment and term of office, - - - - -	30	670
compensation of, fixed by board of inspectors, - - - - -	42	672
CHARGE , to jury, justice shall not give, - - - - -	4	421
same, in district court, given, when, - - - - -	209	479
to grand jury, court shall give, - - - - -	23	638
trial jury in criminal case, court shall state, what, - - - - -	12	656
triers, in case of challenge, what shall be, - - - - -	30	661
CHARCOAL , standard measure of, - - - - -	6	224
CHARITABLE INSTITUTIONS . Agricultural college established, - - - - -	1	294
instruction to be given in agriculture and the sciences connected therewith, - - - - -	2	294
branches of instruction, - - - - -	3	294
full course of study, four years—partial course may be adopted, - - - - -	4	294
college board shall regulate scholastic terms and payment of tuition, - - - - -	5	294
agricultural college board , how constituted, - - - - -	6	295
vacancy, how filled, - - - - -	6	295
board to have management of farm and college, - - - - -	7	295
shall make rules and choose officers, - - - - -	8	295
erect buildings and maintain schools, - - - - -	9	295
power to incur debts limited, - - - - -	9	295
secretary to keep record and account, - - - - -	10	295
to make report to governor, annually, - - - - -	10	295
board shall choose faculty and fix salaries, - - - - -	11	295

MINNESOTA STATUTES 1866

GENERAL INDEX.

743

	Sec. Page.
CHARITABLE INSTITUTIONS.	
faculty , who shall constitute—their powers and duties,	12 296
swamp lands in McLeod county set apart for use of college,	13 296
said lands may be sold when and how,	14 296
money, how expended,	14 296
interest in proceeds of college lands, how applied,	15 296
governor to certify to creation of buildings and obtain perfect title to lands donated,	16 296
CHARTERS. See ACTIONS TO VACATE CHARTERS, ETC.,	— 551
CHATTEL INTEREST , an estate at will or by sufferance is,	5 349
CHATTEL MORTGAGES.	
void, unless accompanied by delivery and continued change of possession,	1 326
shall be filed, where—duty of recorder,	2 326
effect of mortgage when filed,	3 327
copy and statement to be filed after lapse of one year,	3 327
mortgage shall be acknowledged,	3 327
copy of mortgage may be evidence,	4 327
redemption of property mortgaged,	5 327
redemption, how made,	6 327
foreclosure of , how regulated,	7 327
notice and proof of service to be filed,	8 327
foreclosure complete in sixty days if no redemption is made,	9 327
CHATELS REAL , estates for years are,	5 349
provisions relative to future estates apply to limitations of,	23 350
may be created to commence at a future day,	24 350
CHEATS , gross, at common law, how punished,	34 607
CHIEF CLERK OF HOUSE OF REPRESENTATIVES , elected when and how,	7 72
term of office,	8 72
shall attest certificates of compensation of members,	15 73
act as secretary of joint convention,	18 73
make index to journals,	23 81
keep journal of proceedings,	25 82
deliver same to printer, when,	25 82
entitled to copy of journal, appendix, and executive documents,	32 83
of laws,	33 83
may administer oath of office,	2 515
CHIEF CLERK OF STATE AUDITOR , how appointed and duties of,	21 87
shall give bond—penalty and condition,	21 87
violation of official duty, penalty,	22 88
salary, nine hundred dollars per annum,	1 93
CHILDREN , first called on to support pauper parent,	2 202
not allowed to labor more than ten hours each day,	1 223
without parents or abandoned, may be taken care of by orphan asylum,	65 275
destitute may be taken care of by orphan asylum, when,	66 275
posthumous , entitled to take as heirs,	30 351
same, birth of, defeats future estate, when,	31 351
inherit real estate of deceased parents,	1 353
illegitimate , considered heirs, when,	2 354
same, estate shall descend, how,	3 354
advancement to, how considered,	5 354
deceased, advancement to, how considered,	10 355
posthumous , considered as living at death of parents,	12 355
share of, born after making of will,	22 358
issue of deceased ; omitted in will, share of,	23 358
same, take under will, how,	24 358
whole estate of parent, assigned to, when,	2 375
under seven years of age, to have allowance,	1 385
real estate sold to raise allowance, when,	2 386
illegitimate , become legitimized by subsequent marriage of parents,	17 408
after divorce of parents, court may make order concerning care and custody of,	17 410
court may make further order, when,	18 410
order concerning, may be altered or revised,	19 411
injury to, who may sue for,	33 454
witnesses , when not competent as,	9 520
court may examine as to capacity to testify,	14 521
born after making will, how provided for,	34 549
CHIPPEWA COUNTY , boundaries of,	13 99
included in seventh judicial district,	24 417
attached to county of Crow Wing for judicial purposes,	33 419
CHISAGO COUNTY , boundaries of,	14 99
included in first judicial district,	18 417

MINNESOTA STATUTES 1866

744

GENERAL INDEX.

City ordinances proof of 1873-188

870--9

872-146

	Sec	Page.
CHRISTMAS DAY, bills of exchange, &c., maturing on, when payable,	3	226
CHURCH WARDENS, when elected and term of office,	90	279
CITIES, word town may include, when,	1	74
chapter on township organization not to apply to territory included in,	108	152
to have same powers as towns,	108	152
property of, exempt from taxation,	3	155
CITY CLERK shall keep ballot box,	3	54
give notice of election,	4	54
preserve poll list,	16	57
entitled to copy of laws,	33	83
shall deliver same to successor,	33	83
transmit annually, to county auditor, amount of tax to be raised in city,	77	174
have same powers and be subject to same liabilities as town clerk, as to what,	58	198
CITY COUNCIL shall appoint judges of election,	2	54
may make two wards one election district,	2	54
appoint place of holding election,	2	54
shall procure ballot box,	3	54
CLAIMANT, of property levied on; shall proceed how, to hold officer,	137	468
property held by garnishee, may appear and maintain his right,	157	472
CLAIM AND DELIVERY OF PERSONAL PROPERTY, title relating to,	—	464
immediate delivery may be claimed,	112	464
affidavit shall be made, showing—	113	464
issuance of writ may be required by indorsement on affidavit,	114	465
writ shall issue, when,	115	465
bond shall be executed, approved by sheriff,	116	465
sheriff shall take property, serve writ and bond, &c.,	117	465
exception to sureties—defendant may except to sufficiency of sureties,	—	—
when,	118	465
return of property may be had by executing bond,	119	465
property delivered to plaintiff, when,	119	465
notice of justification of sureties served, when,	120	465
proceedings; if surety fails to justify,	120	465
sheriff shall deliver property, when,	121	465
justification of sureties may be waived,	121	465
qualification of sureties, what is,	122	466
sureties shall justify, how,	123	466
examination to be reduced to writing,	123	466
approval of sureties to be indorsed on bond,	124	466
concealed property, sheriff shall obtain, how,	125	466
sheriff shall keep property securely,	126	466
shall file writ and return within twenty days after taking property,	127	466
verdict shall include value of property and damages, when,	221	481
judgment may be rendered for either party, or both,	249	485
CLAY COUNTY, boundaries of,	15	99
included in seventh judicial district,	24	417
attached to Crow Wing county for judicial purposes,	33	419
CLERGYMAN cannot be compelled to testify concerning confession, &c.,	10	520
CLERICAL ERRORS, disregarded, when,	1	74
CLERK OF COURT OF RECORD may certify fees of witness,	42	512
may issue subpoenas in civil causes,	1	519
shall receive and file papers and give certificate,	61	527
CLERK OF COUNTY COMMISSIONERS. See COUNTY AUDITOR,	—	119
CLERK OF CHURCH TRUSTEES, appointment—fees and duties,	77	277
shall give notice of expiration of term of office of trustees,	80	277
keep register of stated hearers;	83	277
CLERK OF GRAND JURY shall be appointed by and from grand jury, and keep minutes of proceedings,	45	688
CLERK OF DISTRICT COURT, entitled to copy of laws,	33	83
shall sell laws and pay proceeds, how,	36	84
deliver all copies not sold, how,	36	84
process, shall direct to coroner, when,	211	134
shall give bond and take oath, which shall be recorded,	225	136
keep office at county seat;	226	136
deputy clerk may be appointed,	227	136
shall keep register of actions, judgment book and docket,	229	136
vacancy in office of, how filled,	230	137
may be removed from office by governor,	3	137
shall serve notice on delinquent tax payer, when,	93	179

1868-136

MINNESOTA STATUTES 1866

GENERAL INDEX.

745

	Sec. Page.
CLERK OF DISTRICT COURT , shall record commission of notary public, - - -	5 229
certify to official acts of notary, when, - - -	5 229
fees for certificate, - - -	5 229
bond on appeal from assessment for right of way, shall be filed with, - - -	23 267
to be approved by, - - -	24 267
shall make certified copy of report of commissioners, when, - - -	27 268
license to marry , may grant, when, - - -	7 406
shall make inquiry and be satisfied there is no legal impediment to marriage, - - -	8 406
make a record of license, - - -	8 407
fee for administering oath and granting license, - - -	8 407
penalty for unlawfully issuing and signing license, - - -	8 407
shall enter judgment from transcript received from justice, - - -	70 430
furnish copies of pleadings on payment of fees, - - -	66 459
empannel jury , how, - - -	205 479
shall pay jury fees to county treasurer, - - -	206 479
keep ballots of jury, how, - - -	207 479
record verdict and read it to jury, - - -	216 480
enter judgment , in conformity to verdict, - - -	247 485
shall attach together the papers constituting judgment roll, and file same, - - -	252 485
note entry of satisfaction on docket, - - -	255 486
give certified copies of instruments of satisfaction, - - -	255 486
file copies of execution and return, and make record thereof, - - -	273 488
fees for such service, - - -	273 488
shall make entry of notice of claim to contribution filed by surety, - - -	298 493
fees of , - - -	2 502
shall set up in his office, table of fees—penalty for neglect; - - -	29 511
certify amount of fees of witness for state, - - -	42 512
may administer oath, when, - - -	3 515
take acknowledgments of deeds, &c., - - -	8 517
take and certify depositions, - - -	5 517
issue subpoenas for witnesses, - - -	1 519
investment of funds of unknown party in action for partition , shall make, how, - - -	39 537
shall receive interest and file securities, - - -	40 537
issue blank subpoenas for defendant without charge, - - -	11 596
grand jurors , shall prepare names of, for drawing, - - -	5 637
shall draw names, when, - - -	6 637
deliver venire to sheriff, when, - - -	7 637
furnish copy of depositions to defendant, when, - - -	48 640
bench warrant , shall issue, when, - - -	32 640
shall furnish magistrate with copy of presentment and depositions, when, - - -	56 641
keep indictment on file as a public record, - - -	60 641
issue bench warrant, on application of county attorney, - - -	5 649
CLERK OF ELECTION , who shall be, - - -	2 54
how appointed, - - -	2 54
absent or disqualified, another may be appointed, - - -	6 55
shall take oath, - - -	6 55
compensation of, - - -	8 56
to check name of person voting, - - -	11 56
attest list, - - -	13 56
shall write out returns, - - -	14 57
call special election, when, - - -	34 62
CLERK OF INDEPENDENT SCHOOL DISTRICT. <i>See UNDER INDEPENDENT SCHOOL DISTRICT.</i> - - -	— 308
CLERK OF JUDGE OF PROBATE , appointment of, how made, - - -	191 131
shall take oath and give bond, - - -	192 131
oath and bond shall be recorded in office of register of deeds, - - -	192 131
may administer oath, - - -	3 515
take acknowledgment of deeds, &c., - - -	8 517
take and certify depositions, - - -	9 517
CLERK OF RELIGIOUS CORPORATIONS , duties of, - - -	77 277
to give notice of expiration of term of office of trustees, - - -	80 277
shall keep a register of persons who desire to become stated hearers, - - -	83 277
attend subsequent elections to test qualifications of voters, - - -	83 277
CLERK OF SCHOOL DISTRICT. <i>See UNDER COMMON SCHOOLS,</i> - - -	— 299
CLERK OF STATE LAND OFFICE , salary of, - - -	1 93
CLERKS OF STATE TREASURER , salary of, - - -	1 93
CLERK OF SUPREME COURT , shall take oath and give bond, - - -	60 92
shall appoint deputy—responsible for his acts, - - -	60 92
procure records, stationery, &c., for supreme court, - - -	61 92
personally perform duties, - - -	62 92

1873-161

MINNESOTA STATUTES 1866

746

GENERAL INDEX.

	Sec.	Page.
CLERK OF SUPREME COURT , shall furnish copy of syllabus for publication,	63	92
salary, six hundred dollars per annum,	1	93
may be removed from office by governor,	3	137
fees of,	3	503
shall set up table of fees—penalty for neglect,	29	511
may administer oaths,	3	515
take acknowledgments,	8	517
take and certify depositions,	9	517
CODICIL , included in term "will,"	1	74
COLLECTOR , of public moneys, may be removed from office by governor,	3	137
COLLEGES. See UNDER TITLE III. OF CORPORATIONS,	—	273
COMMISSION , to take testimony of witness, justice may award, when,	50	428
at whose instance and how granted,	51	428
how executed and returned,	52	428
when issued, action may be adjourned,	53	428
to take testimony in action in court of record, shall issue, when,	33	523
take deposition in same, shall issue, when,	45	525
COMMISSIONER OF LAND OFFICE , salary of,	1	93
state auditor <i>ex-officio</i> commissioner of land office—his powers and duties,	2	318
shall keep record of what,	3	318
make annual report to legislature of his official proceedings,	4	318
have custody of maps, books, &c.	5	318
cause books to be opened, and records kept of what,	5	318
have a seal—his certificate, evidence,	5	318
<i>certificate</i> shall be given to purchaser,	8	318
certificate to be void, when,	9	319
may change terms of payment as to security required,	10	319
governor, with the commissioner, to issue certificate of payment and give patent,	11	319
title to land to remain in the state until full payment is made,	12	319
may bring action on security given,	13	319
lands under his control may be laid out into lots, when,	14	319
<i>appraisers</i> shall be appointed, how,	15	319
purchaser, in default, may make payment at any time before land is sold at public auction,	19	320
may have survey made when he deems necessary,	22	321
description of land sold sent to auditor of county, and placed on tax roll,	23	321
maps of lots to be recorded,	24	321
patents may be recorded,	25	321
expenses of land office, how paid,	26	321
may cause money to be refunded in case of illegal sale,	27	321
<i>sale of lands</i> by, in what funds made,	28	321
all sales of land shall be made by him, how,	30	321
may obtain opinion of attorney general relative to duties of his office,	37	322
shall fix amount of bond of county treasurer,	39	322
transmit blank bond with penal sum fixed, to each county treasurer,	42	323
send statement of land sold, to treasurer of county, when,	43	323
may order appraisal of school lands, when,	45	323
shall cause notice of the time and place of sale of school lands,	46	324
remove persons occupying school lands without authority,	47	324
may grant permission for cutting pine timber on school lands, under what regulations,	52	324
UNDER MILL DAM ACT.		
COMMISSIONERS , appointed to consider petition for right to erect mill dam,	3	239
shall be sworn,	4	239
give notice of time, place and object of meeting,	5	239
give what notice, and serve on whom,	6	239
meet, examine premises and assess damages,	7	240
file petition, report, &c., when,	8	240
not allow exemplary damages,	14	240
TO SET OFF DOWER.		
shall be appointed by warrant of judge of probate,	9	361
be sworn and make report to probate court,	10	361
TO ADJUST CLAIMS.		
two or more shall be appointed, when,	1	375
shall appoint times and places of meeting,	3	376
one of, not acting, another may be appointed,	4	376
not to allow claims barred by statute of limitations,	9	376
shall be sworn and may administer oath,	10	376
make report in detail,	11	376
powers of,	12	376

MINNESOTA STATUTES 1866

GENERAL INDEX.

747

	Sec.	Page.
COMMISSIONERS , appeals from decision of, when and by whom taken, - - -	20	377
TO MAKE PARTITION.		
may be appointed to make distribution among heirs and legatees, when,	6	386
different, for different counties, when, - - -	7	386
shall give notice of time partition will be made, - - -	14	387
make report in writing, - - -	15	387
TO TAKE TESTIMONY.		
fees of, - - -	4	504
certain commissioners and others, - - -	26	510
may administer oath, when, - - -	3	515
oath of, - - -	5	515
appointed in other states, - - -	-10	518
may administer oaths and certify depositions, - - -	12	518
to be sworn, and file impression of seal, - - -	13	518
COMMITTEES , may administer oaths, when, - - -	3	515
COMMON SCHOOLS , title relating to, - - -	-	299
school districts declared bodies politic, - - -	1	299
may hold land, - - -	2	299
trustees shall take steps to perfect title to school land, - - -	3	299
school districts, how numbered, - - -	4	299
new districts created, - - -	5	299
boundaries , how changed—districts, how united, - - -	5	299
parties aggrieved, how to proceed, - - -	5	299
duty of clerk and auditor when tax is voted—money, how drawn, - - -	5	299
number of scholars to be returned to county auditor, - - -	5	299
districts to be created or changed by written order, - - -	6	300
officers of school districts, who are, - - -	7	300
notice of meeting to organize, how given, - - -	7	300
acceptance of office to be filed, - - -	8	300
neglect of official duty—penalty, - - -	9	300
trustees , who are—their powers and duties, - - -	10	300
each trustee to visit schools in his district, - - -	11	300
trustee to procure teachers, - - -	12	300
director , duties of, - - -	13	300
duties of treasurer, - - -	14	301
treasurer to give bond—effect of failure to do so, - - -	15	301
make report, - - -	16	301
director and clerk to examine report, - - -	16	301
clerk , duties of, - - -	17	301
clerk shall give notice of meeting, - - -	18	301
make report to county auditor, - - -	19	301
report shall contain what, - - -	19	302
clerk of school district shall draw orders on treasurer, - - -	20	302
shall furnish a register to each trustee, - - -	20	302
auditor with attested copy of his record, annually, - - -	21	302
county auditor shall file record and levy tax—rate per cent., - - -	22	302
send abstract to state superintendent, - - -	22	302
what the report of county auditor shall contain, - - -	22	302
failure on part of clerk of school district to make report to county auditor—penalty, - - -	23	303
apportionment of school money, - - -	24	302
county treasurer to pay over school money, when, - - -	25	303
powers of legal voters in school districts, - - -	26	303
taxes , how levied and collected, - - -	27	304
county commissioner to appoint examiners of teachers, - - -	28	304
examiner , duty of, - - -	29	304
may re-examine teacher, - - -	30	304
fees of examination, - - -	31	304
every teacher to pass examination and receive certificate, - - -	32	304
teacher to procure register, - - -	33	304
trustees to determine who may attend school from other districts, - - -	33	304
expulsion of scholars , for what causes allowed, - - -	33	304
teachers to be paid out of first moneys in treasury, - - -	34	305
tax how levied and collected, - - -	35	305
fines for breach of penal laws, not otherwise appropriated, set apart for use of, - - -	35	305
county auditor to keep account with each district, - - -	35	305
school land , exempt from taxation, - - -	36	305
existing rights in school district property not affected, - - -	37	305
attorney general to give opinion on written application of county auditor, - - -	37	305

872-95

873-67

MINNESOTA STATUTES 1866

748

GENERAL INDEX.

	Sec.	Page.
COMMON SCHOOLS, decisions of attorney general shall be published,	38	305
school district entitled to public money, when,	39	305
secretary of state is superintendent of public instruction,	40	306
he shall make report to legislature annually—what,	41	306
send blanks to county auditor,	42	306
distribute registers and forms,	43	306
apportion school fund, when,	44	306
COMMITMENT, forms of by justice of the peace,	167	444
COMMUTATION, of road tax allowed,	14	192
not regarded as made until money is paid,	15	192
COMPLAINT, in action relating to town site, shall contain what,	8	338
IN JUSTICE'S COURT,		
in civil cases , shall state what,	24	425
on written instrument for payment of money, what is sufficient,	28	425
shall be verified;	29	425
material allegations in, not denied, taken as true,	30	425
objection to, allowed,	31	425
dismissed, when,	31	425
variance between allegations in, and evidence immaterial, when,	32	425
may be amended,	33	425
in criminal cases , shall be reduced to writing,	132	441
may be dismissed, when,	164	444
IN DISTRICT COURT.		
in civil actions , shall be filed with clerk,	46	456
is first pleading on part of plaintiff,	72	459
shall contain what,	73	459
demurrer allowed, on certain grounds,	74	459
any or all causes of action may be demurred to,	75	460
amended; shall be filed,	76	460
objections not appearing, may be taken by answer,	77	460
same, not taken by demurrer or answer, deemed waived, except two,	78	460
shall be subscribed by attorney,	86	461
verification , who may make and how,	87	461
items of account need not be set forth,	88	461
shall receive liberal construction,	89	461
irrelevant or redundant matter may be stricken out,	90	461
whole pleading stricken out, when,	90	461
judgment how pleaded,	91	462
conditions precedent, how pleaded,	92	462
private statute, how pleaded,	93	462
acts of incorporation, how pleaded,	94	462
for libel or slander, is sufficient, when,	95	462
may unite what causes of action,	98	462
material allegations not denied, taken as true,	99	463
variance between allegations, and proof material, when,	100	463
amendment allowed on trial, when,	101	463
denied, when,	102	463
before trial, or on demurrer,	103	463
before or after judgment,	104	463
as to name of defendant,	106	463
supplemental complaint allowed, when,	108	464
in garnishee proceedings, allowed when,	158	472
COMPOUNDING OFFENSE, indictable, though original offender is not indicted,	17	647
CONDITIONS PRECEDENT, how pleaded,	92	462
CONDUCTOR, on railroad, guilty of gross negligence, how punished,	19	599
CONFESSION OF JUDGMENT,		
in justice's court , allowed in what cases,	63	430
shall not be taken unless certain requisites are complied with,	64	430
be in writing, and state what,	64	430
costs allowed on,	65	430
in district court, without action, chapter relating to,	—	567
what cases allowed,	1	567
statement made, shall contain what,	2	567
to be filed with clerk, judgment roll, what,	3	567
judgment may be entered on plea of confession,	4	568
clerk may enter on plea of confession, when,	5	568
effect of, entered in vacation,	6	568
submission of controversy without action,	7	568
judgment on, what constitutes roll,	8	568

MINNESOTA STATUTES 1866

	Sec. Page
CONFESSIONS, inadmissible as evidence, when, - - - - -	93 531
CONGRESSIONAL DISTRICTS, state divided into two districts, - - - - -	1 69
CONSIGNEE, of personal property, shall make list of same, - - - - -	15 218
shall notify owner of reception, - - - - -	16 218
may sell property if not claimed, when, - - - - -	17 218
owner to be notified, - - - - -	18 218
affidavit to be made and delivered to justice, - - - - -	19 218
CONSOLIDATION AND INTERPLEADING, title relating to, - - - - -	— 464
CONSTABLE, entitled to copy of laws, - - - - -	33 83
shall deliver same to successor, - - - - -	33 83
two to be elected in each election district, - - - - -	108 118
shall take oath and give bond, - - - - -	108 118
vacancy in office of, how filled, - - - - -	108 118
shall execute warrant of coroner, - - - - -	214 134
penalty for failure to do so, - - - - -	214 134
shall be elected by ballot, - - - - -	25 142
take oath of office, - - - - -	34 143
file certificate of oath, with town clerk, - - - - -	35 143
effect of refusal to file oath or bond, - - - - -	36 143
shall give bond, which shall be filed, - - - - -	40 143
effect of refusal to do so, - - - - -	42 144
penalty for performing duties before taking oath, - - - - -	43 144
term of office , two years, - - - - -	44 144
vacancy in office of, how filled, - - - - -	45 144
who may accept resignation of office of, - - - - -	48 144
shall destroy or remove nuisance, when, - - - - -	57 145
collect fines imposed for non-payment of road tax, - - - - -	22 193
in city , to have powers and be subject to liabilities of town constable, - - - - -	58 198
shall make complaint for violation of license law, - - - - -	5 208
make complaint for selling liquor to Indians, - - - - -	13 209
sell unclaimed property, on order of justice, - - - - -	21 219
make return, and pay proceeds of sale to justice, - - - - -	22 219
fees for such services, - - - - -	28 219
shall make complaint of violation of game laws, - - - - -	7 223
failing to execute process, or making false return, penalty, - - - - -	15 424
shall make list of names for jury, - - - - -	54 428
may be sworn, to take charge of jury, - - - - -	56 429
shall give notice of sale of goods, &c., on execution, - - - - -	77 431
not purchase goods sold by him on execution, - - - - -	79 432
receive money tendered in payment of execution, and give receipt therefor, - - - - -	80 432
execute writ of replevin, how, - - - - -	85 432
fees of, - - - - -	12 507
shall set up table of fees in his office, penalty for neglect, - - - - -	29 511
CONSTRUCTION, of statutes, rules for, - - - - -	1 74
of words and phrases, - - - - -	1 74
technical words, - - - - -	1 74
singular and plural number, - - - - -	1 74
masculine and feminine gender, - - - - -	1 74
term folio, - - - - -	1 74
words giving joint authority, - - - - -	1 74
"highway," - - - - -	1 75
"insane person," - - - - -	1 75
"spendthrift," - - - - -	1 75
"issue," to include all lawful lineal descendants, - - - - -	1 75
"land" or "lands," and "real estate," - - - - -	1 75
"month" and "year," - - - - -	1 75
"oath" and "sworn," - - - - -	1 75
"person," to include bodies politic and corporate, - - - - -	1 75
"proceeding" and "following," - - - - -	1 75
"seal," on paper from court, &c., - - - - -	1 75
"town," may include all cities and districts, - - - - -	1 75
"will," to include codicils, - - - - -	1 75
"written" and in "writing," - - - - -	1 75
"state" and United States, - - - - -	1 75
"felonious" and "infamous crime," - - - - -	1 75
of words in indictments, - - - - -	9 646
CONTEMPTS. IN JUSTICE'S COURT.	
justice may punish, in what cases, - - - - -	119 437
how punished, - - - - -	120 437

MINNESOTA STATUTES 1866

750

GENERAL INDEX.

		Sec.	Page.
CONTEMPTS, hearing to be had before punishment,		121	437
proceedings summary, when,		122	437
record of proceedings to be made and filed,		123	437
commitment for, shall be specific,		124	437
witness is guilty of, who refuses to testify—may be committed,		125	437
commitment of witness to specify, what,		126	437
party guilty of, who refuses to obey subpoena,		128	437
IN DISTRICT COURT.			
garnishee guilty of, when,		167	473
party refusing to perform judgment, guilty of,		266	488
witness , failing to obey subpoena, guilty of,		4	520
court may issue attachment, for,		5	520
chapter relating to,		—	579
what acts or omissions are,		1	579
power to punish, how exercised,		2	580
what, may be summarily punished,		3	580
party charged, may be arrested, &c.,		4	580
if in custody of an officer, may be brought up on order,		5	580
may be let to bail, in discretion of court,		6	580
warrant of arrest, how executed,		7	580
bail , how given,		8	580
officer shall return warrant—if not, may be arrested,		9	580
warrant, how executed,		10	580
proceedings on hearing,		11	580
penalty for,		12	581
indemnity ordered, when,		13	581
party imprisoned until he performs act, when,		14	581
persons proceeded against, liable for indictment, when,		15	581
second warrant may issue, when,		16	581
measure of damages in action on recognizance,		16	581
officer excused from producing party, when,		17	581
grand juror, guilty of, when,		20	638
disclosing finding of presentment before defendant is arrested,		49	640
CONTESTED ELECTION. <i>See</i> ELECTION,		46	64
CONTINGENCY, remainder may be limited on,		27	350
of death, future estate, how defeated,		31	351
debts depending on, not liable to garnishment,		153	471
CONTINGENT CLAIMS, against estate, how presented,		43	380
becoming absolute, proved, when,		44	380
allowed, entitled to payment, when,		45	380
presented directly to probate court, when,		46	380
recoverable of heirs, when,		47	381
defence to, by executor or administrator,		48	381
holder of, may sue for, when,		49	381
CONTINGENT FUTURE ESTATE, defined,		14	349
CONTINGENT REMAINDER, in fee, how created,		16	350
created on term of years, when,		20	350
CONTINUANCE. <i>See</i> ADJOURNMENT, in Index, page 723,			
CONTRACTS. <i>See</i> FRAUDULENT CONTRACTS,		—	334
by banks, how made,		19	257
CONTRIBUTION, by devisees and legatees,		31	359
in case of insolvency, of persons liable,		32	359
amount of, probate court may settle,		33	359
joint debtor or surety may compel, when,		298	493
may be compelled by next of kin, when,		9	546
devisees and legatees, how liable to,		17	547
by heirs, devisees and legatees,		21	548
among heirs and devisees,		29	549
CONVERSION OF LOGS, title relating to,		—	250
CONVEYANCE, of land for use of town, effect of,		10	140
certificate of purchase of real estate on sale under execution, operates as conveyance, when,		290	491
of lands, how made,		1	328
by any person or his attorney,		1	328
husband and wife may execute, how,		2	328
wife not bound by covenant,		2	328
minority of wife does not affect validity of deed,		2	328
corporation may convey real estate by agent duly appointed,		2	328
may record appointment of agent,		3	328
deed of quit-claim shall pass whole estate,		4	328

MINNESOTA STATUTES 1866

GENERAL INDEX.

751

	Sec. Page.
CONVEYANCE, effect of conveyance of tenant for life or years,	5 328
no covenant to be implied in conveyance or mortgage,	6 329
deed , how executed in this state,	7 329
<i>1872-99</i> how executed in other states,	8 329
how acknowledgment is authenticated,	9 329
<i>1873-184</i> how executed in foreign country,	10 329
execution of deed, how proved,	11 329
if subscribing witness is dead, may be proved how,	12 329
record of ,	21 330
effect of record,	21 330
term "purchaser" defined,	25 331
"conveyance" defined,	26 331
transcript of record of conveyance may be recorded in another county,	33 332
of real estate, grantor to make known existence of incumbrance,	34 332
conveyance to old corporation, confirmed unto corporation reorganized,	12 265
fraudulent conveyances , title relating to,	— 333
of trust lands, by corporate authorities or judge, how executed,	2 336
at what time executed,	11 339
reservation of power in,	33 346
power may be granted by clause in,	34 346
what instruments are,	41 346
by tenant in tail to pass allodial estate, when,	4 349
by executors and administrators in certain cases, chapter relating to,	— 398
probate court may decree conveyance of lands by executors and administrators,	1 398
of homestead , invalid, without signature of wife, except mortgage to secure purchase money,	2 498
to married woman , who may execute,	2 500
and record thereof evidence,—may be rebutted,	87 530
to be recorded,	36 536
by order of court to be a bar against liens, &c.,	37 537
mortgage not deemed, so as to entitle mortgagee to possession,	11 540
CONVICITS. See JAILS AND PRISONS—chapter relating to,	— 666
CONVICTION, in district court, on appeal from justice, had when,	152 443
in justice court, justice to make certificate,	155 443
of one or more of several defendants, allowed,	9 594
second or subsequent, how punished,	13 594
of lowest degree, in case of doubt,	3 595
how obtained,	4 595
of treason, two witnesses required,	4 596
on indictment for offense consisting of different degrees,	10 653
CORONER, when elected,	33 83
entitled to copy of laws,	33 83
shall deliver same to successor,	33 83
not practice as attorney, or give advice, &c.,	177 129
shall be elected in each county, take oath and give bond, which shall be recorded—	
serve two years,	207 133
sheriff , shall perform duties of, when,	208 133
executing office of sheriff, is subject to all liabilities and penalties imposed on sheriff,	209 134
shall perform duties of sheriff, when sheriff is a party or interested in action,	210 134
process directed to coroner, when affidavit of party to action is filed with clerk,	211 134
inquest of dead body, shall take, when,	212 134
shall issue warrant to summon jury,	213 134
may bring action against delinquent constable or juror to recover forfeiture,	214 134
shall call names of jury and administer oath,	215 134
form of oath,	215 134
may issue subpoenas for witnesses,	216 135
shall administer oath to witnesses,	217 135
take testimony in writing,	218 135
bind over witnesses, when,	220 135
return inquisition, testimony, &c., to district court,	220 135
may commit witness refusing to recognize,	220 135
issue process to arrest party charged with crime by inquest of jury,	221 135
shall cause body of deceased to be buried, when,	222 136
deputy coroners, appointment of,	223 136
may remove deputy at pleasure,	224 136
be removed from office by governor,	3 137
fees of,	11 507
shall set up table of fees in his office—penalty for neglect,	29 511
CORONER'S JURY, may be summoned, when and how,	213 134
juror failing to attend, penalty,	214 134

Corporation associations 1870-80

MINNESOTA STATUTES 1866

752

GENERAL INDEX.

	Sec.	Page.
CORONER S JURY , jurors not appearing, others may be summoned,	215	134
shall hear evidence and deliver inquisition,	219	135
form of inquisition,	219	135
CORPORATE AUTHORITIES shall enter town site and make conveyance of lots, &c.	—	336
<i>See OFFICIAL TRUSTS,</i>	—	261
CORPORATIONS , chapter relating to,	1	263
any number of persons not less than five, may become incorporated,	1	263
for what purpose may become incorporated,	2	263
shall organize by adopting and signing articles,	2	263
articles of incorporation , to be recorded, where,	3	264
articles shall contain what, and be published when and what length of time,	4	264
effect of filing, recording and publishing articles,	4	264
may establish by-laws and make rules and regulations,	5	264
continuance of , how long—renewal of,	6	264
copy of by-laws with names of all its officers, to be posted where,	7	264
statement of amount of capital stock subscribed, to be posted where,	7	264
of amount of capital actually paid in, to be posted where,	7	264
of amount of indebtedness of company, to be posted, how,	7	264
to be corrected, when,	8	264
transfer of shares, how made,	8	264
not exempt for liabilities created prior to such transfer,	8	264
books to be kept, how; subject to inspection by whom and to what extent,	9	264
private property , how liable for corporate debts,	9	264
of stockholders, to what extent holden,	9	265
liability of officer, director, or member of, who violates provisions of this title,	10	265
private property of stockholders, how levied on,	10	265
of no stockholder to be levied on unless such stockholder and corporation is seised with process,	10	265
not levied on while corporate property can be found,	11	265
execution , officer having, shall proceed how,	11	265
may be levied on private property after part payment out of corporate funds,	12	265
old corporations may organize under this title; shall file articles,	12	265
conveyances previously made to old organization confirmed unto such new organization,	13	265
right of way obtained how,	13	265
right to overflow and to canal,	14	265
petition shall be presented to district judge; by whom signed; contents of,	15	266
commissioners shall be appointed,	15	266
shall meet at time and place appointed by district judge,	16	266
may adjourn from day to day, to what place,	17	266
shall each be sworn,	18	266
notice of first meeting of commissioners, how given,	19	266
commissioners shall make examination and assess damages,	20	266
shall file petition, appointment and oath with report and map, when and where,	21	266
payment of damages by corporations for taking lands, how made, and to whom,	21	266
shall deposit with the clerk of court amount of damages for taking land, when,	22	267
appeals from assessment, how taken,	22	267
not to be taken after the expiration of thirty days from time of notification of filing report of commissioners,	23	267
construction of improvement may go on, when,	25	267
appeals, how tried and determined,	25	267
rule for ascertaining damages, on appeal from commissioners,	26	267
judgment , how entered,—effect of—may be paid, how,	27	268
record evidence of title to land taken, how perfected,	28	268
telegraph corporations may obtain right to use public road, how,	29	268
RAILROAD CORPORATIONS.		
railroad corporations may obtain right of public road, how,	30	268
may enter on land to make preliminary surveys,	31	268
obtain right of way, &c., how,	31	268
hold real and personal property necessary for prosecution of enterprise,	32	268
bridge navigable streams, when,	32	268
shall erect sign boards, where,	33	269
liability for neglect to erect sign boards,	34	269
shall cause trains to stop at passenger stations,	34	269
penalty for neglect to stop trains at passenger stations,	35	269
rates of fare for passengers,	35	269
rates for transportation of property,	36	269
consolidation of, when and how accomplished,	36	269

Corporations Manuf. 1873-121

MINNESOTA STATUTES 1866

GENERAL INDEX.

753

	Sec. Page.
CORPORATIONS , effect of consolidation,	37 270
new corporation to succeed to rights of old, when,	38 270
one railroad corporation may aid another to construct its road,	39 270
may lease or purchase other railroads, when,	39 270
two or more railroads may enter into an agreement for their common benefit, when,	39 270
may borrow money, execute bonds, notes, &c.,	40 271
corporators, their powers and duties,	41 271
capital stock , how increased,	42 271
every railroad company shall annually make report to auditor of state,	43 271
diversion of corporate property—penalty,	44 271
FOR PECUNIARY PROFIT NOT NAMED IN TITLE ONE,	— 272
who may become incorporated under,	45 272
certain provisions of title one to apply,	46 272
amount of capital stock, how increased,	47 272
limitation of amount of capital stock,	47 272
may hold real estate,	48 272
stock in, how transferable,	49 272
shall be deemed personal property,	49 272
shall have a lien upon stock of its members for debts due by them to corporation,	39 272
lien upon stock, how enforced,	49 272
record of stock and business to be kept,	50 272
books and records shall at all times be open to inspection of stockholders,	50 272
directors shall cause record to be kept of all stock subscribed, business transactions, &c.,	50 272
powers of,	51 272
duration of corporation,	52 272
mutual insurance companies , may do what,	53 273
capital stock of mutual insurance companies, what amount must have,	53 273
certain provisions of title 6, to apply,	53 273
county attorney to examine into financial condition of mutual insurance company,	53 273
when,	53 273
duty of state treasurer,	53 273
domestic mutual insurance companies exempt.	53 273
CORPORATIONS OTHER THAN THOSE FOR PECUNIARY PROFIT.	— 273
who may become incorporated,	54 273
they shall adopt and sign articles,	55 273
requirement of articles to be signed,	55 273
effect of filing articles,	56 274
no dividend or distribution until dissolution,	57 274
corporate powers; may hold and use personal and real estate,	58 274
may sell, mortgage, lease or otherwise use real estate,	58 274
cannot divert any gift from the purpose designated by the donor,	58 274
trustees of colleges and seminaries, powers of,	59 274
may require other officers to give bond,	60 274
shall make annual report, when and to whom,	61 274
legal process, how served,	62 274
colleges, &c., subject to visitation,	63 274
existing institutions may organize under this title,	64 274
orphan asylums , powers and duties,	65 275
may take charge of destitute children, when,	66 275
orphan asylum shall possess powers as parents and guardians,	67 275
RELIGIOUS CORPORATIONS.	— 275
religious corporation, how organized,	68 275
president shall be chosen, how,	69 276
who may vote for president of religious corporation,	69 276
notice of election, how given,	70 276
length of time notice of election shall be previously given,	70 276
number of times notice shall be given,	70 276
notice shall be given of the place where election shall be held,	70 276
election , how conducted,	71 276
certificate to be given of election of officers; shall specify what,	71 276
shall be acknowledged and recorded, by whom and where,	72 279
fecs for recording certificate of election,	72 276
trustees to have seal,	73 276
may manage real and personal estate of corporation,	73 276
general powers of trustees,	74 276
may erect and repair churches and parsonages,	75 276
may make by-laws, rent pews, &c.,	76 277
clerk and treasurer may be appointed; duties of clerk,	77 277
meetings, how called and conducted,	78 277
trustees to hold office three years,	79 277

MINNESOTA STATUTES 1866

754

GENERAL INDEX.

	Sec.	Page.
CORPORATIONS , trustees to be divided by lot into three classes, - - - - -	79	277
clerk to give notice of expiration of term of office of trustees, - - - - -	80	277
minister to give notice of election, and appoint time and place, - - - - -	80	277
election of trustees, how conducted, - - - - -	81	277
vacancy in office of trustee, how filled, - - - - -	81	277
qualifications of voters, - - - - -	82	277
clerk to keep register of stated hearers, - - - - -	83	277
salary of minister, how fixed; not by trustees, - - - - -	84	278
trustees may sell or encumber real estate, - - - - -	85	278
what notice and vote of society requisite before trustees may sell or encumber real estate, - - - - -	85	278
existing societies confirmed, - - - - -	86	278
heretofore dissolved, may organize anew within six years after dissolution, - - - - -	86	278
descent of land held by trustees, - - - - -	87	278
minister to give certificate of appointment of trustees, when, - - - - -	89	278
effect of minister's certificate, - - - - -	88	278
when ministers, elders and deacons are trustees, they may execute certificate, - - - - -	88	278
effect of certificate, - - - - -	89	278
protestant episcopal church , members of, may elect church wardens, - - - - -	90	279
notice, how given; certificate to be executed and recorded, - - - - -	90	279
vacancies, how filled, - - - - -	90	279
existing societies organized, but not incorporated, may become incorporated under the provisions of this title, - - - - -	91	280
CEMETERY ASSOCIATIONS AND PRIVATE CEMETERIES.	92	280
who may form cemetery association, - - - - -	92	280
how proceed to form cemetery association, - - - - -	92	280
trustees to be divided into three classes, when and by whom, - - - - -	93	280
to hold their respective terms how long, - - - - -	93	280
chairman and secretary of meeting to make certificate and have it recorded within three days, - - - - -	94	280
certificate shall state, what, - - - - -	94	280
effect of making and recording certificate, - - - - -	95	280
association may make by-laws, - - - - -	96	281
trustees to manage affairs of association; appoint what officers, - - - - -	97	281
may require treasurer to give security, for what, - - - - -	97	281
actuary to keep record of interments, - - - - -	98	281
shall furnish summary of interments, - - - - -	99	281
penalty for failure to keep register, - - - - -	100	281
association may acquire property by purchase or gift, - - - - -	101	281
shall file map, - - - - -	101	281
may sell property and apply proceeds, how, - - - - -	101	281
when map is filed, trustees may sell lots, - - - - -	102	281
annual election of trustees shall take place, when, - - - - -	103	281
term of office—voters, - - - - -	103	281
trustees to be chosen from lot owners, - - - - -	104	282
notice of election, how given, - - - - -	104	282
trustees may appoint day of election, when, - - - - -	105	282
shall make report, - - - - -	106	282
proceeds of sales of lots, how applied, - - - - -	107	282
penalty for injury to monuments, &c., - - - - -	108	282
property of association exempt from taxation and sale on execution, - - - - -	109	282
lots inalienable after first interment, - - - - -	110	282
interest of one of several heirs in lot may be released, how, - - - - -	110	282
PRIVATE CEMETERIES.	—	283
how established, - - - - -	111	283
stone to be fixed at corner of cemetery, - - - - -	112	283
plat shall contain, what, - - - - -	113	283
effect of making and recording plat, - - - - -	114	283
exempt from taxation and sale on execution, - - - - -	115	283
no street shall be laid out through such cemetery without consent of owner, - - - - -	115	283
district court may vacate cemeteries and streets and alleys therein, - - - - -	116	283
FOREIGN INSURANCE COMPANIES.	—	284
foreign insurance companies must obtain certificate from state treasurer, - - - - -	117	284
shall make statement and obtain certificate, to show what, - - - - -	117	284
statement and agreement to be filed with state treasurer, - - - - -	117	284
amount of capital , and how invested, - - - - -	118	284
state treasurer to issue certificate, when, - - - - -	118	284
company or agent to file statement, and be entitled to certificate, when, - - - - -	119	285
copy of statement filed with treasurer to be filed with clerk of district court, - - - - -	120	285

MINNESOTA STATUTES 1866

GENERAL INDEX.

755

		Sec.	Page.
CORPORATIONS , statement to be renewed every year, -	121	285	
treasurer to renew certificate, when, -	121	285	
agent of insurance company, who shall be considered,	122	285	
judgment against foreign insurance companies remaining unpaid, effect of, -	123	286	
state treasurer shall revoke license and publish notice thereof, when, -	123	286	
life insurance companies , this title not to apply to,	124	286	
penalty for violating provisions of this title, -	125	286	
PLANK ROADS AND TURNPIKES.	—	286	
sections of title one applying to plank roads and turnpike companies, -	126	286	
roads, where constructed—payment first to be made, -	127	287	
company may take necessary land by purchase or gift, -	128	287	
public road , use of, how obtained, -	128	287	
survey shall be made, acknowledged and recorded, -	129	287	
compensation and damage for land taken, how ascertained, -	130	287	
plank road to be four rods wide, constructed how, -	131	288	
turnpikes to be four rods wide, how constructed, -	132	288	
toll gates on plank road—rate of toll, -	133	288	
on turnpike road—rate of toll, -	134	288	
persons exempt from paying toll, -	135	288	
location of toll gate may be changed, when and how, -	136	288	
debts not to exceed fifty per cent of capital, -	137	289	
directors to make annual report, -	138	289	
town supervisors are road inspectors—their powers and duties, -	139	289	
notice of order to open gate, how served, -	140	289	
toll gate to remain open till two supervisors grant certificate, -	141	289	
when part of road is in adjoining county—proceedings, how taken, -	142	289	
appeal from refusal to grant certificate may be taken, -	142	290	
penalty for not obeying order to throw open gate, -	143	290	
fees of supervisors and district judges, -	144	290	
paid to whom, -	145	290	
penalty for delaying traveler or taking illegal toll, -	146	290	
judgment against toll gatherer, how collected, -	147	290	
printed list of rates of toll to be posted up, -	148	290	
persons not paying toll may be detained, -	149	290	
company liable for damages, when, -	150	290	
penalty for obstructing road, -	151	290	
for willfully running gate, -	152	291	
company ceases to be a body corporate, when, -	153	291	
companies subject to visitation by legislature, -	154	291	
power of legislature over companies—rates of toll, franchises, &c., -	154	291	
GENERAL PROVISIONS.	—	291	
general powers of, in absence of special provision, -	155	291	
first meeting, how called, -	156	291	
meeting how called when there is no officer authorized to call it, -	157	291	
vacancies , how filled, -	158	291	
doings of meetings, notified and made valid, how, -	159	292	
by-laws may provide for what, -	160	292	
subscriber neglecting to pay assessment, to forfeit stock, -	161	292	
may convey lands, -	162	292	
shares not to be issued less than par, -	163	292	
executors, &c., may vote as stockholders, -	164	292	
holding stock, not personally liable as stockholders, -	165	292	
distribution of , how applied for, -	166	292	
shall continue three years, for certain purposes, -	167	292	
court may appoint receivers or trustees, when, -	168	292	
powers of district court in such cases, -	169	293	
duties of receivers, -	170	293	
balance of assets, how distributed, -	171	293	
powers of attorney general and legislature over corporations, -	172	293	
conveyance of real estate by, -	2	328	
appointment of agent to convey real estate, may be recorded, -	3	328	
service on, in civil action, -	48	486	
subject to jurisdiction of court, when, -	56	457	
rule of pleading in actions against, -	94	462	
may be garnished, -	152	471	
shall not be held as garnishee, when, -	153	471	
foreign , how served with process, -	1	494	
actions respecting , chapter relating to, -	—	542	
chapter embraces all corporations, and associations, -	1	542	
foreign , may prosecute in courts of this state, -	2	542	

MINNESOTA STATUTES 1866

756

GENERAL INDEX.

	Sec. Page.
CORPORATIONS, limitation on actions by foreign corporations,	3 542
actions against corporations, how commenced,	4 542
injunction against, court has power to issue,	5 543
may issue upon proof, of what,	6 543
powers of district court over officers of corporation,	7 543
visitorial, not affected by powers of district court,	8 543
to sequester stock of corporation,	9 543
property of, how distributed on final judgment,	10 543
dissolution of, may be adjudged, when,	11 543
banking and insurance corporations, enjoined, when,	12 543
injunction, how issued—judgment,	13 543
receiver , court may appoint,	14 543
who may be made parties,	15 544
supplemental complaint , creditor may file, when,	16 544
COSTS, deducted from allowance to claimant, when,	82 114
in collection of taxes, by whom paid,	47 169
proceedings under chapter relating to dams and mills,	20 241
actions to determine controversies concerning town sites,	14 339
in probate court , how far allowable,	12 366
in action against master for ill-treating apprentice,	11 405
IN JUSTICE'S COURT.	
security for, justice may require of plaintiff,	9 423
of justice, for entering judgment by confession,	65 430
not required, on appeal, in criminal case,	151 443
of both courts, appellant to pay, on conviction on appeal,	151 443
security for, justice may require of complainant,	164 444
IN DISTRICT COURT.	
of garnishee, allowed, when,	173 474
plaintiff, in garnishee proceedings,	176 474
after offer of judgment,	241 484
chapter relating to,	— 495
certain sums allowed, termed costs,	1 495
allowed prevailing party,	2 495
prevailing party allowed disbursements, in all cases,	3 495
allowed in only one suit for same cause of action, when,	4 495
in equitable actions , are in discretion of court,	5 495
in equity, costs may be awarded, when several defendants, make separate answers,	5 495
action on judgment of a court of this state,	6 496
interest allowed, when,	7 496
taxation of , and disbursements, how objected to—appeal,	8 496
court may impose terms, when,	9 496
guardian, ad litem, responsible for costs,	10 496
defendant entitled to, after tender, when,	11 496
to be recovered by executor, administrator, trustee,	12 496
chargeable on estate or fund,	12 496
not recoverable, unless demand is first presented to executor, &c.,	12 496
relator liable for costs,	13 496
on appeal from justice of the peace,	14 496
interest not computed, in certain cases,	15 497
IN SUPREME COURT.	
are discretionary,	16 497
disbursements allowed prevailing party,	17 497
court may allow per centage, when,	18 497
security for, to be given in certain cases,	19 497
party neglecting to file bond, proceedings may be stayed,	20 497
bond may be put in suit, when,	21 497
prospective, when taxable,	34 511
to be allowed for certified copies of papers used on trial,	35 511
IN PARTICULAR ACTIONS.	
of making partition, of real property,	11 533
in action for partition, how paid,	46 538
not allowed, when defendant disclaims, in action for real property,	2 539
in action to dissolve corporation, how collected,	11 553
forcible entry and detainer,	9 572
on submission to arbitrators,	15 588
award concerning, arbitrators may make, when,	18 588
complainant liable for, in case of demand of fugitive from justice, when,	6 627
paid by party required to recognize to keep the peace,	9 628
what county on change of venue in criminal case,	2 654

MINNESOTA STATUTES 1866

GENERAL INDEX.

757

	Sec. Page.
COTTONWOOD COUNTY , boundaries of, - - - - -	16 99
included in sixth judicial district, - - - - -	23 417
attached to Brown county, for judicial purposes, - - - - -	33 419
COUNSEL , defendant may appear by, on arraignment for misdemeanor, - - - - -	2 648
court shall inform defendant of his right to have, when, - - - - -	14 649
COUNSELLOR AT LAW . See ATTORNEYS AND COUNSELLORS, - - - - -	— 582
COUNTER CLAIM ,	
in justice's court , may be set off, when, - - - - -	37 426
rule, if action is on negotiable promissory note, assigned after due, - - - - -	38 427
same, when plaintiff is trustee, or has no real interest, - - - - -	39 427
shall be clearly alleged, or cannot be allowed, - - - - -	40 427
judgment, in case counter claim is established, - - - - -	41 427
same, when balance is found due defendant, - - - - -	42 427
in civil action , must be what, - - - - -	80 460
as many as defendant has, may be set forth, - - - - -	81 460
may be replied or demurred to, - - - - -	83 461
failure to reply, effect of, - - - - -	84 461
items of account, need not be set forth, - - - - -	84 461
COUNTERFEITING . See FORGERY AND COUNTERFEITING, - - - - -	— 610
COUNTIES , unorganized, votes in, how canvassed; returns, how made, - - - - -	18 58
chapter relating to, - - - - -	— 94
names of, - - - - -	1 96
<i>1868-155-4-166</i> ORGANIZATION, POWERS AND DUTIES .	
general powers of, - - - - -	75 113
conveyances to, effect of, - - - - -	76 113
powers, how exercised, - - - - -	77 113
shall provide necessary county buildings, - - - - -	78 113
<i>892-145</i> process against county, how served, - - - - -	79 113
inhabitants may be jurors or witnesses, - - - - -	79 113
<i>161</i> in what name to sue or be sued, - - - - -	80 113
disallowance of claim against county, claimant may appeal, - - - - -	81 113
notice, how given, - - - - -	81 113
<i>894-229</i> allowance of claim, how and when paid, - - - - -	81 113
appeal from such allowance, how taken, - - - - -	81 113
jurisdiction of district court in such cases, - - - - -	81 113
judgment against county officers, only leviable on property of county, - - - - -	83 114
board of county commissioners , elected in, - - - - -	84 115
shall be divided into commissioner districts, - - - - -	85 115
boundaries and population of district, - - - - -	85 115
divided into three commissioner districts, when, - - - - -	87 115
basis of division into districts, - - - - -	89 116
COUNTY OFFICERS.	
shall elect county auditor, - - - - -	111 119
claims only paid after allowance by county commissioners, - - - - -	123 120
shall elect county treasurer, - - - - -	125 121
money of, how paid out, - - - - -	130 121
shall elect register of deeds, - - - - -	152 125
elect sheriff, - - - - -	164 127
elect county attorney, - - - - -	180 129
elect court commissioner, - - - - -	193 131
bear expenses of inquisition and burial, when, - - - - -	222 135
liable for costs and expenses in tax proceedings, when, - - - - -	47 169
rate of tax leviable for county purposes, - - - - -	78 175
shall support paupers, when, - - - - -	3 202
legal residence in, gained by pauper, when, - - - - -	4 202
may adopt system provided in title two, concerning "education," - - - - -	45 306
division of, records may be transcribed, - - - - -	30 331
transcript of record of conveyance may be recorded in either county, - - - - -	33 332
attached to others for judicial purposes, - - - - -	33 419
COUNTY ATTORNEY , when elected, - - - - -	1 54
entitled to copy of laws, - - - - -	33 83
shall deliver same to successor, - - - - -	33 83
salary , fixed by county commissioners, - - - - -	3 94
shall appeal from decision of board of county commissioners, when, - - - - -	81 113
ineligible to office of county treasurer, - - - - -	128 121
shall be elected in each county, and serve two years, - - - - -	180 129
oath and bond , where deposited, - - - - -	180 129
shall appear in cases where county is a party, give advice to county officers, examine criminals, &c., - - - - -	181 129
shall appear for state when requested by attorney general, - - - - -	181 129

Counties not organized, acts of clerks legalized
1874-229

MINNESOTA STATUTES 1866

758

GENERAL INDEX.

	Sec.	Page.
COUNTY ATTORNEY , not to receive fee from prosecutor for official services,-	182	130
in case of vacancy or absence, district court shall appoint,	183	130
shall file statement of moneys received, &c.,	184	130
pay over such moneys to county treasurer, take duplicate receipts, and file one with county auditor,	184	130
make report to attorney general annually of number of criminal cases, &c.,	185	130
penalty for neglect to make report,	185	130
action against, for failure to account,	186	130
vacancy in office of, how filled,	187	130
may be removed from office by governor,	3	137
shall make complaint of violations of license law, and prosecute bond,	5	208
examine into financial condition of insurance company,	53	273
report to commissioner of land office, when,	36	322
investigate grounds of application for fugitive from justice, when,	1	626
same, in case of demand by executive of another state,	2	626
may apply for bench warrant on presentment of grand jury,	52	640
COUNTY AUDITOR . DUTIES RELATIVE TO ELECTIONS.		
shall preserve poll list,	16	57
select two parties for county canvassing board,	19	58
indorse abstract of votes,	19	58
give certificates of election,	30	60
give abstract of votes to candidate or elector, when,	30	60
make out abstract of votes for members of legislature, when,	31	60
such abstract, where sent,	31	60
of senior county, to canvass votes,	32	61
shall transmit abstract of votes cast at election to fill vacancy,	35	63
penalty , in case of failure to do so,	35	63
shall deliver blanks for poll lists and returns to town and city clerks,	53	65
fees , for abstracts and certificates,	54	66
DISTRIBUTION OF LAWS, ETC.		
entitled to copy of journal, &c.,	32	83
to copy of laws,	33	83
shall deliver same to successor,	33	83
deliver laws, &c., to persons entitled to receive them,	36	84
deliver copies for sale, to clerk of court,	36	84
take receipt and charge clerk with laws,	36	84
salary , fixed by county commissioners,	4	94
DUTIES RELATIVE TO COUNTY OFFICERS.		
shall notify county attorney of action commenced against county,	79	113
file certified copy of claim, &c., in case of appeal,	82	114
notify county attorney if claimant appeals,	82	114
canvass votes for and issue certificate to county commissioners,	86	115
decide by lot who is elected county commissioner, in case of a tie, and deliver certificate,	90	116
assist in filling vacancy in office of county commissioner,	95	116
GENERAL POWERS AND DUTIES.		
elected in each county—term of office,	111	119
shall give bond and take oath,	112	119
neglect of official duty—penalty,	113	119
may be removed, when,	113	119
action may be brought against, when,	114	119
effect of failure to qualify,	115	119
vacancy in office of, how filled,	116	119
sickness of, who may perform duties,	117	119
what officers ineligible to office of,	118	120
may appoint deputy, how,	119	120
is responsible for acts of deputies,	119	120
is clerk of board of county commissioners,	120	120
shall keep record of proceedings, &c.,	120	120
deliver moneys, books, &c., to successor,	121	120
in case of death, his representatives shall make delivery,	121	120
shall keep account with county treasurer,	122	120
file and charge receipts for money paid treasurer,	122	129
keep record of warrants and orders,	123	120
issue warrant himself, when,	123	120
receive annual salary,	124	120
keep account of fees received to use of county,	124	120
ineligible to office of county treasurer,	128	121
shall preserve draft sent by state auditor, and credit county treasurer therewith,	130	121

1868-11.

MINNESOTA STATUTES 1866

GENERAL INDEX.

759

	Sec. Page.
COUNTY AUDITOR , shall bring action against county treasurer, when,	186 122
publish, with county treasurer, statement of money in county treasury,	143 123
false statement a misdemeanor—penalty,	145 124
shall cancel orders deposited with him by county treasurer,	148 124
commence action on bond of county attorney, when,	186 130
deliver notice of town meeting to sheriff,	4 139
transmit to state auditor abstract of report of county commissioners organizing town,	5 139
record description of each town,	5 139
inform state auditor when name of town is changed,	6 139
RELATIVE TO TAXES.	
shall make return to state auditor of amount of property returned to him for taxation,	16 159
may have property re-assessed, when,	16 159
shall enter for taxation statement made by bankers, brokers, and stock jobbers,	23 162
penalty added, when,	24 162
may take testimony to ascertain amount upon which tax should be levied,	24 163
shall approve bond of assessor,	25 162
approve appointment of assistant assessor,	37 166
transfer for taxation on general list, in case of partition, shall be made,	38 166
shall make such transfer in other cases,	39 166
furnish list of lands transferred, to assessor,	39 166
make transfer on presentation of deed,	40 167
may have survey made, when,	40 167
refuse to make transfer, or cancel it if made, when,	40 167
indorse statement of transfer on deed, when,	40 167
shall indorse "taxes paid," or "taxes not paid," on deed,	40 167
place lands and lots in numerical order on duplicate,	42 167
deliver assessment roll of lands and lots, which have become subject to taxation, to assessor, annually,	43 168
direct assessor when to return assessment roll,	43 168
assessment roll , shall make out, biennially, and deliver same to assessor,	44 168
shall also make out map and plat-books,	44 168
add fifty per centum to valuation of assessor, when,	45 168
correct tax duplicate as changed by county commissioners,	45 168
not to receive statement from person desiring to make it, after assessor's return is filed, when,	46 168
omissions in return of assessor, corrected,	46 168
shall notify assessor of such omission,	46 168
ascertain value of land omitted, if assessor does not, and add same to list,	46 168
may correct return of assessor, when and how,	47 169
correct mistakes in name of owner, &c.,	48 169
shall not make deduction in valuation of real property, except when so ordered,	48 169
may correct valuation of new structures,	49 169
taxable property , shall make complete list of,	50 169
shall make blank forms and send them to town clerk, for use of assessors,	51 170
send biennially to state auditor an abstract of real property in each township,	52 170
send annually to state auditor an abstract of the duplicate of his county,	53 170
also abstract of number and value of enumerated articles, &c.,	52 170
amount of levy , on each tract and lot, he shall determine, adding taxes omitted, &c.,	54 170
shall deliver grand duplicate to county treasurer,	55 171
attend to settle with county treasurer,	55 171
take list of taxes uncollected from duplicate,	55 171
certify balance due state, county, &c., and make record of such delinquencies,	55 171
open account with each township, city, village, &c.,	56 171
give order on county treasurer, to town, city, village, and school district treasurer,	56 171
list of delinquent lands , shall send to state auditor,	57 171
shall file statement of taxable property of each township in separate bundles,	58 171
make record of delinquent list,	59 171
apportion moneys received from sale of forfeited lands to their several funds,	60 172
charge county treasurer with moneys by him received,	61 172
send annual list of lands on which payments have been made, to state auditor,	61 172
give order for money paid on void sale, and charge county treasurer therewith,	62 172
publish each year any part of delinquent list omitted the previous year,	63 172
certificate of taxes due, &c., shall give, when required,	64 173
shall draw order for money paid on sale of land described in such certificate,	64 173
transfer, on duplicate to purchaser, lands sold for taxes,	65 172
is entitled to ten cents for making transfer,	65 172
penalty for neglect to make transfer,	65 172

MINNESOTA STATUTES 1866

760

GENERAL INDEX.

	Sec. Page.
COUNTY AUDITOR , shall charge treasurer with taxes on land returned delinquent,	66 172
when receipt is produced,	66 172
shall bring action to collect the amount,	67 173
charge cost of advertising on land, when,	68 173
allowed cost of defending action, when,	68 173
shall apportion and collect same, how,	69 173
neglecting to perform duty relating to taxes, penalty,	70 173
rate of taxation allowed,	71 173
shall furnish blanks to assessors for taking products of the soil,	71 173
shall send same, when returned, to state auditor,	72 174
ascertain net taxes collected for each fund,	75 174
make certified statement of amount of taxes abated by county commissioners,	77 174
levy amount sent by town and city clerks on duplicate,	81 175
is member of county board of equalization,	82 176
shall lay before such board duplicate of preceding year, and return of assessors for current year,	82 176
shall make deductions and additions as ordered by board,	84 177
adjust valuation as settled by state board of equalization,	84 177
levy state tax as received from state auditor,	116 182
designate lands sold or forfeited for non-payment of taxes, on duplicate,	119 183
publish list of delinquent lands, with notice,	120 183
insert notice at foot of delinquent list,	120 183
compare list with duplicate, and make necessary corrections,	126 184
tax sales , shall attend, and make record,	126 184
shall send certified copy of record to state auditor,	127 184
give certificate to purchaser,	127 184
direct certificate to county surveyor, when,	129 184
give purchaser of forfeited lands a certificate,	131 185
application to redeem lands sold for taxes, made to,	132 185
shall give certificate of amount due,	133 185
may give certificate to one joint owner applying to redeem,	133 185
shall cancel sale on redemption, and publish notice thereof,	134 185
note redemption on record of tax sales,	135 186
draw warrant for redemption money,	138 186
execute deed of forfeited land sold by state,	139 186
same, to purchaser after two years; effect of deed,	144 187
shall make deed of land sold under former tax laws,	145 187
make deed of land not within his county, when,	146 187
keep minutes of deeds made,	147 187
insert minute of redemption on record of delinquent tax sales,	148 187
may give deed when certificate of purchase is lost,	149 187
certificate of sale , shall give in all cases,	149 187
shall execute deed on payment of fees,	155 189
give order for amount due purchaser on void sale,	155 189
charge proportional amount to state,	28 194
levy arrearages of road tax,	28 194
certify same when collected, to county treasurer,	8 208
LICENSES AND FINES.	
shall keep list of licenses to sell liquor,	1 232
record auctioneer's license,	11 234
charge county treasurer with amount of receipt for fines received for violation of provisions relating to town plats,	
SCHOOL DISTRICTS	
shall be furnished annually, by clerk of school district, with a copy of his record, stating, what,	21 302
shall file record and levy tax—send abstract to state superintendent,	22 302
penalty for neglect,	22 302
what auditor's report shall contain,	35 305
shall keep account with each district,	42 306
blanks shall be furnished him by secretary of state,	21 320
shall extend upon the tax rolls a tax, how,	23 321
place description of land sold, upon tax roll,	40 322
duplicate receipts shall be left with him by county treasurer, when,	41 323
duty of, on receiving duplicate receipts,	41 323
shall be clerk of school land sales,	27 510
keep record of certificates of services of jurors,	81 175
COUNTY BOARD OF EQUALIZATION , who compose,	81 175
shall meet and equalize valuation of real property,	81 175
rules to be observed by such board,	82 176
shall keep journal of proceedings, and cause statement of facts to be entered therein,	

MINNESOTA STATUTES 1866

GENERAL INDEX.

761

	Sec. Page.
COUNTY BOARD OF EQUALIZATION, general powers and duties,	82 176
COUNTY BUILDINGS, to be provided in each organized county,	78 113
COUNTY CANVASSING BOARD, who constitute,	19 58
shall canvass returns, when,	19 58
declare who are elected,	29 60
appeal may be taken to district court,	29 60
shall not refuse returns or votes, if law is substantially complied with,	40 63
COUNTY COMMISSIONERS, may defend, in case of contest concerning vote removing county seat or changing county lines,	52 65
entitled to copy of laws,	33 83
shall deliver same to successors,	33 83
judgment against, how collected,	83 114
GENERAL POWERS AND DUTIES.	
number of, term of office,	84 115
one elected from each district,	86 115
term of office,	86 115
appointed by governor, when,	87 115
term of office at first election,	88 115
election of, in case of tie, county auditor shall decide by lot,	90 116
shall be sworn,	91 116
fees of,	92 116
quorum , what constitutes,	93 116
board to meet, when and where,	94 116
may call extra session,	94 116
length of sessions, regular and extra,	94 116
vacancy in office, how filled,	95 116
appointed to hold, how long,	95 116
absence of commissioner for six months deemed resignation of office,	95 116
seal of board,	96 117
shall elect chairman—his duty,	97 117
select grand and petit jurors,	98 117
chairman of board to sign and certify list,	98 117
may make list at any session, when,	99 117
shall select what persons as jurors,	100 117
provide county offices, desks and stationery,	101 117
limitation of amount expended for books, &c.,	101 117
shall fill vacancy in office of register of deeds,	102 117
make annual statement of receipts and expenditures—post up and publish same—count funds in county treasury—examine accounts of auditor and treasurer, and give certificate of condition of treasury,	103 117
have power to settle accounts relating to county—organize, vacate, or change boundaries of towns,	104 118
of county not divided into towns, shall divide county into road districts, and appoint assessor and overseer of roads,	105 118
election districts , may establish,	106 118
shall appoint judges of election and post list of election districts,	107 118
fill vacancies in office of justice or constable,	108 118
shall not receive bribes nor be interested in contracts made by the board,	110 119
RELATIVE TO COUNTY OFFICERS.	
may remove county auditor, when,	113 119
fill vacancy thus created,	113 119
fill vacancy occurring from any cause,	116 119
appoint person to perform duties when auditor is unable,	117 119
ineligible to office of county auditor,	118 120
shall allow claims and draw warrants,	123 120
may fill vacancy in office of county treasurer,	128 121
ineligible to office of county treasurer,	128 121
may remove county treasurer, when,	137 122
fill vacancy thus created,	137 122
require new bond of county treasurer,	141 123
remove him, if new bond is not given, and appoint another,	142 123
shall approve bond of sheriff,	165 127
fill vacancy in office of sheriff,	168 127
approve bond of county attorney,	180 129
allow compensation to person acting for county attorney, and deduct amount from salary of county attorney,	183 130
approve bond of judge of probate,	188 131
approve bond of clerk of judge of probate,	192 131
approve bond of court commissioner,	195 131
fill vacancy in office of county surveyor,	206 133

MINNESOTA STATUTES 1866

762

GENERAL INDEX.

	Sec.	Page.
COUNTY COMMISSIONERS shall approve bond of coroner,	207	133
shall approve bond of deputy coroner,	223	136
may be removed from office by governor,	3	137
RELATIVE TO TOWNS.		
organize town , when,	1	139
shall fix boundaries and make report,	1	139
may divide towns, when,	2	139
shall give notice of town meeting, when,	4	139
change name of town, when,	6	139
appoint town officers when,	47	144
RELATIVE TO TAXES.		
may abate penalty added to valuation of property by county auditor, when,	45	168
shall annually determine amount of county tax,	72	174
may add fifty per cent. to rate of taxation, when,	73	174
levy amount to pay interest on floating debt,	74	174
shall have delinquent list publicly read, when,	75	174
may cause taxes deemed uncollectable to be stricken from list,	75	174
shall direct county treasurer to collect delinquent taxes,	75	174
may abate taxes and penalties, when,	76	174
fix rate of tax not exceeding ten mills,	78	174
shall not contract debt larger than tax of current year will pay,	79	175
violation of such provision,—penalty,	80	175
county board of equalization , composed of, with county auditor,	81	175
may direct county treasurer to attend additional day in each township to receive taxes,	87	178
RELATIVE TO HIGHWAYS.		
appeal to, from order of supervisors laying out road,	39	195
shall agree on time and place of hearing,	41	196
meet and hear proofs and allegations of parties,	43	196
receive, what compensation,	44	196
proceed how, on reversing order of supervisors,	46	196
continue to act after term of office expires,	47	197
may be petitioned to locate or change road running into two or more towns,	59	197
shall appoint committee to make examination,	60	198
committee shall meet and make examination,	61	198
shall make report to board at next session,	62	198
board shall act on petition,	63	198
shall direct auditor to notify supervisors, when,	63	198
shall proceed, how, if remonstrance is made,	64	199
have general supervision of county roads,	67	199
RELATIVE TO PAUPERS.		
are superintendents of poor,	5	202
shall provide poor house or farm,	6	203
may provide other means of supporting poor, when,	6	203
shall appoint overseer of poor,	7	203
require and approve bond of overseer,	8	203
appoint physician to poor,	10	204
may discharge pauper when not entitled to support,	11	204
single commissioner may direct overseer to receive pauper, when,	12	204
may grant allowance to pauper, when,	12	204
direct officer to convey pauper to poor house, when,	13	205
board of, may warn pauper to leave county,	14	205
may order officer to convey pauper to another county,	14	205
shall grant temporary relief to such pauper when too ill to be removed,	15	206
bind out paupers who are minors,	16	206
bury poor person at expense of county, when,	17	206
levy tax for support of poor,	19	207
RELATIVE TO LICENSES.		
may grant licenses to sell liquor,	1	207
to require and approve bond of party licensed,	2	207
may revoke license, when,	3	208
held individually liable for judgment on bond, when no property can be found,	7	208
RELATIVE TO BASTARDY.		
may bring action to recover fine due from father of illegitimate child,	11	211
carry on action commenced by mother, when,	12	212
make complaint to justice, when,	13	212
make compromise with alleged father,	15	212
MISCELLANEOUS.		
may dispose of balance of money arising from sale of unclaimed property,	26	219
license auctioneers,	1	232

MINNESOTA STATUTES 1866

	Sec.	Page.
COUNTY COMMISSIONERS to approve bond of general surveyor of logs and lumber,	9	243
may grant license to erect dam for sluicing logs,	41	251
board first exercising jurisdiction, have exclusive power, in case dam is to be built across stream which runs between two counties,	42	251
shall grant license, when,	45	251
establish rate of tolls,	46	252
appoint examiners of teachers,	28	304
minors may bind themselves with approbation of,	2	404
to certify their approbation in writing on indenture,	4	404
shall inform themselves fully, of infants age,	5	404
may make complaint of misconduct of masters to apprentices,	9	404
COUNTY LINES, abstract of votes on, how made; change of, how proclaimed,	21	59
COUNTY OFFICERS, term of office commences, when,	42	64
election of, how contested,	49	64
judgment against, how collected,	83	114
may have advice from county attorney,	180	129
jurisdiction of, over counties attached to others for judicial purposes,	33	419
COUNTY ORDERS, shall be canceled when paid,	147	124
paid in order of presentation,	147	124
COUNTY ROADS. <i>See</i> ROADS, CARTWAYS AND BRIDGES,	—	190
COUNTY SEATS, contest concerning removal of,	52	65
to remain as now established,	2	693
COUNTY SUPERINTENDENT OF COMMON SCHOOLS—salary fixed by county commissioners,	4	94
county may adopt system provided in title two concerning education, of schools, may be appointed for one year—his duties,	45	306
shall be sworn,	46	306
county auditors shall transmit resolutions to be forwarded to state superintendent, how removed from office,	37	307
powers and duties of,	48	307
shall hold meetings in each commissioner district for examination of teachers, examination of teachers, how conducted,	50	307
shall keep record of all the candidates to whom he issues certificates noting, what, make report and forward blanks to district clerks,	51	308
his compensation, how fixed,	52	308
53	308	
COUNTY SURVEYOR, when elected,	1	54
entitled to copy of laws,	33	83
shall deliver same to successor,	33	83
ineligible to office of county auditor,	118	120
elected in each county for two years,	199	132
shall take oath, give bond, and reside in county,	199	132
may appoint deputies—responsible for their acts,	200	132
shall execute surveys when required,	200	132
keep record of surveys, &c.,	201	132
observe what rules in surveys,	202	132
what rule in subdividing section,	203	132
rule for subdivision less than quarter section,	204	133
shall fix new posts, when and where,	205	133
vacancy in office of, how filled,	206	133
shall survey land sold for taxes, when and how,	127	184
COUNTY TAX, county commissioners to levy for certain purposes,	72	174
rate of, increased, when,	73	174
to pay interest on floating debt, may be levied,	74	174
rate of, within certain limits, county commissioners to determine,	78	175
COUNTY TREASURER, shall collect penalty incurred by county auditor,	35	63
entitled to copy of laws,	33	83
shall deliver same to successor,	33	83
pay transportation of laws, when,	35	83
take receipts and file same, when,	35	83
pay judgment recovered against county commissioners or other county officers,	83	114
ineligible to office of county auditor,	118	120
shall disburse all county funds,	123	120
GENERAL POWERS AND DUTIES.		
term of office,	125	121
shall take oath, and give bond,	126	121
effect of failure to qualify,	127	121
vacancy in office of, how filled,	128	121
what county officers are ineligible,	128	121
shall keep office at county seat,	129	121
keep account of moneys received and paid out,	129	121

1894-137

MINNESOTA STATUTES 1866

	Sec.	Page.
COUNTY TREASURER , shall have books furnished by county, - - - - -	129	121
account of money received for taxes, how kept, - - - - -	129	121
shall receive and pay money according to law, - - - - -	130	121
money belonging to county, how paid out, - - - - -	130	121
due the state, how paid, - - - - -	130	121
shall give duplicate receipts for cash paid, - - - - -	131	121
exhibit account semi-annually to county commissioners or county auditor, - - - - -	132	122
settlement with county commissioners or county auditor, and return of tax duplicate, - - - - -	133	122
shall settle with county auditor, when, - - - - -	134	122
send moneys due state, to state treasurer, - - - - -	134	122
pay over moneys to treasurer of towns, cities and school districts, - - - - -	134	122
failure to settle with state treasurer—penalty, - - - - -	135	122
to make settlement or pay over money, generally, county auditor to bring action, - - - - -	136	122
removal from office, - - - - -	137	122
may be required to give new bond, - - - - -	141	123
failing to give new bond, may be removed, - - - - -	142	123
vacancy in office, thus created, how filled, - - - - -	142	123
not to purchase county orders, &c., at discount, - - - - -	143	123
shall file affidavit with state treasurer that orders, &c., were received at par, - - - - -	143	123
penalty for loaning county moneys, - - - - -	144	124
shall publish, with county auditor, statement of money in treasury, - - - - -	145	124
making false statement is a misdemeanor, - - - - -	145	124
may prosecute bonds, &c., and actions begun by predecessors, - - - - -	146	124
shall pay and cancel orders, - - - - -	147	124
deposit, semi-annually, orders redeemed, with county auditor, - - - - -	148	124
allowed express charges and expenses incurred in sending money to state treasurer, - - - - -	149	124
fees for collections—taxes—and selling lands, - - - - -	150	124
shall deliver moneys, books, &c., to successor, - - - - -	151	125
give duplicate receipts to county attorney, for money paid by him, - - - - -	184	130
RELATIVE TO TAXES.		
may abate fifty per cent. penalty, when, - - - - -	45	168
when entitled to receive grand duplicate, - - - - -	55	171
shall settle with county auditor, - - - - -	55	171
give reasons for non-collection of taxes, - - - - -	55	171
sign and verify list of taxes not collected, - - - - -	55	171
for what taxes held liable, - - - - -	55	171
only person authorized to pay taxes, returned delinquent, into state treasury, - - - - -	59	171
shall apply funds as apportioned by auditor and receive two per cent. as fees, - - - - -	60	172
pay state's proportion of said money, when, - - - - -	61	172
give applicant certificate of taxes paid, &c., without charge, - - - - -	64	172
receive receipt in payment of taxes, when, - - - - -	66	172
allowed cost of defending action, when, - - - - -	68	172
shall ascertain net amount of taxes collected for such purpose, - - - - -	77	174
is collector of all taxes, and of fines and penalties, - - - - -	86	177
may appoint deputies, and is liable for their acts, - - - - -	86	177
shall post and publish notices of amount of tax, &c., - - - - -	87	178
attend in each township at day named to receive tax, - - - - -	87	178
receive orders in payment of taxes, - - - - -	88	178
give receipt for taxes paid, - - - - -	89	178
omit to collect tax of person presenting certificate of county auditor, - - - - -	90	178
distrain for taxes, when, - - - - -	91	178
give notice of sale, &c., - - - - -	91	178
file affidavit with clerk of court relative to personal property tax, not collected, - - - - -	93	179
keep office open to receive taxes, - - - - -	94	179
note county to which delinquent tax-payer has removed, on margin of return, - - - - -	95	179
forward to county treasurer of such county, statement of delinquent taxes, - - - - -	96	179
county treasurer, receiving such statement, shall collect, - - - - -	97	179
shall be allowed what fees for collecting, - - - - -	97	179
have, what powers, to collect such taxes, - - - - -	98	180
remit taxes collected to proper county, - - - - -	98	180
return statement if unable to collect, - - - - -	98	180
may collect tax of non-resident, how, - - - - -	99	180
fees , for making distress and sale, - - - - -	101	180
shall return duplicate and make settlement, - - - - -	102	180
pay over moneys to town treasurers, take and file receipts, - - - - -	103	180
penalty for failing to do so, - - - - -	103	180
sale of delinquent lands , how and when made, - - - - -	122	183
shall commence sale with first tract in list, - - - - -	123	183

MINNESOTA STATUTES 1866

GENERAL INDEX.

765

	Sec.	Page.
COUNTY TREASURER , may adjourn sale, - - - - -	123	183
shall strike off land, not sold, to state, - - - - -	124	184
offer tract second time, when, - - - - -	125	184
give duplicate receipts to one joint tenant making redemption, - - - - -	133	185
pay surplus, arising on sale of estray, to owner, when, - - - - -	12	218
receive surplus proceeds of sale of unclaimed property, and make record thereof, - - - - -	24	219
pay amount to owner if claimed within five years, - - - - -	25	219
amount unclaimed, as commissioners direct, - - - - -	26	219
RELATIVE TO WEIGHTS AND MEASURES.		
is county sealer of weights and measures, - - - - -	3	223
shall procure weights and measures for county, - - - - -	3	223
test all weights, &c., brought to him, by county standard, and stamp them, - - - - -	3	223
fees for such service, - - - - -	3	223
penalty for neglecting to procure weights, &c., - - - - -	12	225
shall approve bond of auctioneers, - - - - -	2	232
COURT COMMISSIONER , when elected, - - - - -	1	54
entitled to copy of laws, - - - - -	33	83
shall deliver same to successor, - - - - -	33	83
be chosen in each county, and serve three years, - - - - -	193	131
qualifications and powers, - - - - -	194	131
bond and oath, shall be recorded, - - - - -	195	131
shall have office at county seat, and keep record of proceedings, which shall be delivered to successor, - - - - -	196	131
may also hold office of judge of probate, - - - - -	197	132
vacancy in office of, how filled, - - - - -	198	132
may be removed from office by governor, - - - - -	3	137
shall take disclosure of garnishee, - - - - -	162	473
fees for such service, - - - - -	163	473
COURTS. See SUPREME COURT, 413; DISTRICT COURTS, 414; PROBATE COURTS, 364.		
COVENANT , in joint deed of husband and wife, not binding on wife, - - - - -	2	328
not implied in conveyance or mortgage, - - - - -	6	329
against incumbrances in deed or mortgage; grantor, how liable, if incumbrance exists of record, - - - - -	35	332
CREDITORS , conveyances, relative to lands, goods and chattels, fraudulent as against, - - - - -	—	335
definition of term, - - - - -	3	335
heirs or assignees of, entitled to same rights, - - - - -	19	335
conveyances presumed fraudulent as against, when, - - - - -	8	341
express trusts, to sell lands for, may be created, - - - - -	11	341
execution of trust, power descend for the benefit of, when, - - - - -	31	345
power is lien on lands, as against, only from what time, - - - - -	35	346
are competent witnesses to will of debtor, when, - - - - -	7	356
entitled to take administration, when, - - - - -	3	370
real estate, fraudulently conveyed, recovered for benefit of, when, - - - - -	15	374
must request executor to commence action, - - - - -	16	374
claims of, against estates, presented for allowance, when, - - - - -	6	376
time may be extended, how long, - - - - -	7	376
on application of, commission may be renewed, for what time, - - - - -	8	376
claims of, subject to set-off—barred by statute, not allowed, - - - - -	9	376
may take appeal from decision of commissioners, - - - - -	20	377
bring suit on bond of executor, when, - - - - -	40	380
entitled to notice of time of paying debts, - - - - -	41	380
neglecting, after notice, to demand dividend, bars claim, - - - - -	42	380
REDEMPTION OF PROPERTY SOLD ON EXECUTION, ETC.		
shall redeem real estate sold on execution, in what order, - - - - -	291	491
pay what amount, and discharge what liens, - - - - -	292	491
give notice of intention to redeem, - - - - -	292	491
effect of redemption by, - - - - -	293	492
court will stay waste on application of, when, - - - - -	296	492
liable to purchaser for price paid for real estate, when sale is irregular, and eviction occurs, - - - - -	297	492
entitled to order requiring judgment debtor to appear and answer concerning property, - - - - -	299	493
RIGHTS RESPECTING CORPORATIONS, ETC.		
property of corporation, how distributed among, - - - - -	10	543
may obtain injunction against corporation, when, - - - - -	13	544
file supplemental complaint, when, - - - - -	16	544
complaint to charge directors or trustees, - - - - -	17	544
distribution of corporate property, among, - - - - -	20	544
notice to, made by publication, when, - - - - -	23	545

Cramburis protection of 1891-77

MINNESOTA STATUTES 1866

766

GENERAL INDEX.

	Sec.	Page.
CREDITORS , next of kin liable to action by, when, - - - - -	7	546
legatees liable to action by, when, - - - - -	10	546
heirs and devisees liable, how, - - - - -	13	547
part or all of the heirs, devisees and legatees, liable, when, - - - - -	16	547
debts of, in what order paid, - - - - -	22	548
REDEMPTION FROM FORECLOSURE OF MORTGAGES.		
certificate of redemption from foreclosure by advertisement, effect of, - - - - -	15	564
redemption, when and in what order allowed, - - - - -	16	564
must file notice of intention to redeem, - - - - -	16	564
redemption from foreclosure by action, when and in what order made, - - - - -	31	566
must file notice of intention to redeem, - - - - -	31	566
CREDITS , meaning of term, "credits," for purposes of taxation, - - - - -	2	154
value of, must be listed, - - - - -	9	157
CRIMES , chapter relating to, - - - - -	—	593
divided into felonies and misdemeanors, - - - - -	1	593
attempt to commit, how punished when no special punishment is provided, - - - - -	7	593
<i>1869-50</i> CRIME , conviction of, does not exclude from being witness, - - - - -	7	520
against nature, how punished, - - - - -	13	622
conviction of, disqualifies from serving as grand juror, - - - - -	4	636
CRIMINAL CALENDAR , chapter relating to, - - - - -	—	658
clerk shall prepare calendar of indictments, - - - - -	1	658
issues on, how disposed of, - - - - -	2	658
time to prepare for trial allowed, - - - - -	3	658
clerk shall keep register of criminal actions, - - - - -	4	658
<i>1-84</i> CROW WING COUNTY , boundaries of, - - - - -	17	100
included in seventh judicial district, - - - - -	24	417
CRUELTY TO ANIMALS , how punished, - - - - -	18	622
CURRENCY . See BANKS AND BANKING , - - - - -	—	252
CURTESY , tenant by, not affected by provisions regulating descent, - - - - -	11	355
tenant by, who to be, - - - - -	30	363
not affected by wife's right to hold property to her sole use, - - - - -	4	500
affected by proceedings for partition, - - - - -	9	533
<i>1869-86 To provide counsel for criminals</i>		
D		
<i>1873-21C</i> DAKOTA COUNT -, boundaries of, - - - - -	18	100
included in first judicial district, - - - - -	18	417
DAMAGES , roads, for opening, laying out, altering, &c., how ascertained, - - - - -	38	195
county commissioners may determine on appeal, - - - - -	43	196
shall be paid by town, - - - - -	48	197
cartways , for laying out, by whom paid, - - - - -	56	197
for laying county roads, to be paid by county, - - - - -	64	199
laying out state road, how determined, - - - - -	66	199
beasts , doing, in night time on inclosed lands, how ascertained, - - - - -	29	220
shall be certified by appraisers, - - - - -	32	220
if not paid, beasts may be sold, - - - - -	33	220
bills of exchange ; on foreign bills, upon dishonor, - - - - -	7	227
on inland bills, upon dishonor, - - - - -	8	227
flowing land , for right to flow land, how ascertained, - - - - -	7	240
how paid and to whom, - - - - -	9	240
appeal from assessment of, how taken, - - - - -	10	240
exemption not allowed, - - - - -	14	241
for taking land by corporation, how assessed, - - - - -	19	266
payment of, how and to whom made, - - - - -	21	265
amount of, for taking land, when to be deposited with clerk of court, - - - - -	21	266
rule for ascertaining, on appeal from assessment, - - - - -	25	267
for trespass on public land, to be paid into state treasury, - - - - -	31	321
dower , for withholding, - - - - -	24	362
how estimated, - - - - -	25	363
not to be estimated for use of permanent improvements, - - - - -	26	363
for withholding dower in lands alienated by heir, how estimated, - - - - -	27	363
master and servant , recovered of master in action by apprentice, to belong to apprentice, - - - - -	13	405
assessment of, defendant may demand, - - - - -	67	459
any rate of, recoverable, when, - - - - -	238	484
rule of, in actions for withholding real property, - - - - -	7	539
improvements set off against, - - - - -	7	539

MINNESOTA STATUTES 1866

GENERAL INDEX.

767

	Sec. Page.
DAMAGES , rule of, in actions for waste, - - - - -	26 541
action for willfully cutting trees, &c., - - - - -	28 541
may be mitigated, when, - - - - -	29 541
in forcible eviction, - - - - -	31 542
entry and detainer, - - - - -	32 542
for injuries in case of death, rule of, - - - - -	2 546
in writs of mandamus, - - - - -	10 555
measure of; in actions on recognizance, in contempt, - - - - -	16 581
DAMS AND BOOMS , shall have sluiceway for logs, &c., - - - - -	2 242
declared public nuisance, when, - - - - -	3 242
may be abated after notice to remove, - - - - -	3 242
penalty for each day suffered to remain after notice, - - - - -	3 242
for sluicing logs, county commissioners may grant license to erect, - - - - -	41 251
rate of toll on sluice dam may be fixed by county commissioners, - - - - -	46 252
DAMS AND MILLS , chapter relating to, - - - - -	— 239
right to erect mill dam, which will overflow land of another, may be obtained, - - - - -	1 239
petition shall be presented to district judge, - - - - -	2 239
judge shall appoint commissioners and fix their fees, - - - - -	3 239
commissioners shall be sworn, - - - - -	4 239
give notice of time, place and object of meeting, - - - - -	5 239
give what notice, and serve, how, - - - - -	6 239
meet, examine premises, and assess damages, - - - - -	7 240
file petition, report, &c., - - - - -	8 240
damages assessed, may be paid, how, - - - - -	9 240
appeals from assessment of damages, how taken, - - - - -	10 240
same not to prevent erection of dam, when bond is filed, - - - - -	11 240
bond to be filed to prosecute, - - - - -	12 240
how tried in district court, - - - - -	13 241
exemplary damages not allowed on, - - - - -	14 241
judgment on, how entered, - - - - -	15 241
water power previously improved, not to be injured, - - - - -	16 241
limitation of time of action for damages, - - - - -	17 241
right to raise dam previously erected, may be obtained, - - - - -	18 241
action for damages may be suspended until proceedings on petition are concluded, - - - - -	19 241
costs of proceedings on petition, and on appeal, how regulated, - - - - -	20 241
entry on land to make survey, &c., allowed, - - - - -	21 241
right to erect and maintain dam, how preserved, - - - - -	22 241
DEAF AND DUMB. See MINNESOTA DEAF, DUMB AND BLIND INSTITUTE, - - - - -	— 296
DEATH , of sheriff, successor to complete execution of papers, &c., - - - - -	174 128
of parties to actions, - - - - -	36 454
of parties to actions, after verdict and before judgment, - - - - -	251 485
same, after judgment, - - - - -	257 486
after judgment and before issuance of execution, - - - - -	257 488
punishment of, how inflicted, - - - - -	11 665
DEBTS OF DECEASED PERSONS. See PAYMENT OF DEBTS AND LEGACIES, - - - - -	— 375
See also, ACTIONS BY OR AGAINST EXECUTORS, ETC., - - - - -	— 545
DEED , register not to record; unless duly executed, - - - - -	161 127
PROVISIONS RELATING TO TAXES.	
of land to be indorsed, "taxes paid," before recording, - - - - -	40 167
land forfeited for taxes and sold by state, auditor to give, - - - - -	138 186
land sold for taxes, and not redeemed, auditor to give, - - - - -	139 186
in such case, to have what effect, - - - - -	140 186
of part of land owned jointly, vests what title in purchaser, - - - - -	141 186
land sold for taxes under former laws, auditor to make, - - - - -	144 187
land sold for taxes in town set off to another county, who to make, - - - - -	145 187
minute of, kept by auditor in his office, - - - - -	146 187
of land sold for taxes, auditor to make, though certificate is lost, - - - - -	148 187
land sold for taxes, auditor to make, after survey of land, - - - - -	149 187
land sold for taxes, effect of, - - - - -	151 188
GENERAL PROVISIONS.	
conveyances of land, how made, - - - - -	1 328
husband and wife may convey real estate—wife not bound by covenant—minority of wife, - - - - -	2 328
conveyance by corporation, - - - - -	2 328
corporation may record appointment of agent—evidence, - - - - -	3 328
deed of quit claim shall pass whole estate, - - - - -	4 328
conveyance by tenant for life or years—effect of, - - - - -	5 328
no covenant implied in conveyances, - - - - -	6 329
how executed, - - - - -	7 329
how executed in other states, - - - - -	8 329

MINNESOTA STATUTES 1866

768

GENERAL INDEX.

	Sec.	Page.
DEED , how acknowledgment authenticated,	9	329
how executed in foreign country,	10	329
execution of —how proved,	11	329
if subscribing witness is dead, how proved,	12	329
grantor refusing to acknowledge deed, may be summoned before justice,	13	329
proceedings on hearing,	14	329
if subscribing witnesses are dead or absent, how proved,	15	330
subscribing witnesses may be subpoenaed,	16	330
penalty for not appearing,	17	330
copy of deed may be filed—effect of,	18	330
effect of filing to continue,	19	330
certificate to entitle deed to record,	20	330
conveyance to be recorded—effect of record,	21	330
of pews in any church, may be recorded,	22	331
<i>not defeated by defeasance</i> , when,	23	331
term "purchaser" defined,	25	331
term "conveyance" defined,	26	331
construction of section 26, chap. 40,	27	331
record of any instrument to be deemed notice,	28	331
letter of attorney, how revoked,	29	331
on division of county, record may be transcribed,	30	331
scroll or device, same effect as seal,	31	331
to be duly executed to be entitled to record,	32	332
transcript of record of conveyance may be recorded in another county,	33	332
grantor to make known existence of incumbrance,	34	332
grantor liable to an action of contract, when,	35	332
mortgage , how discharged,	36	332
DEEDS, MORTGAGES, AND OTHER CONVEYANCES , chapter relating to,	—	328
DEER, penalty for killing between first day of January and first day of August,	1	222
DEFACING , of tombstone, monument, &c., in cemeteries, is a misdemeanor,	108	282
inscriptions on mile stones, guide-boards, &c., how punished,	44	609
buildings or sign boards, how punished,	44	609
DEFAULT , in action before justice, proceedings,	20	424
in entry of appeal to district court,	108	436
prosecution of such appeal,	114	436
on recognizance taken, when,	152	443
in civil actions, court may remove,	105	463
of garnishee taken, when,	159	472
judgment taken on, when,	192	477
trial by jury waived by, when,	223	481
in action concerning real property, effect on costs,	2	539
in proceedings by mandamus,	8	555
DEFEASANCE , not to defeat deed, when,	23	331
DEFENDANT ,		
in justice's court , how served with process,	11	423
same, service by publication allowed, when,	12	423
may obtain transfer of action to another justice, how,	18	424
defaulted, when,	20	424
entitled to set up counter claim, when,	40	427
same, to trial by jury,	54	428
may obtain set-off of judgment,	60	429
confess judgment, when,	63	430
appear and defend, after judgment, when,	69	430
property of, attached, when,	91	433
may have attachment dissolved, how,	100	434
take appeal, when,	103	435
in criminal cases , may be arrested, when,	132	441
may give bail, when,	135	441
shall be tried by jury, unless jury is expressly waived,	139	441
may take appeal, when,	149	442
pay fine to sheriff, when,	166	444
in district court , summons served personally, when,	48	456
by publication, when,	49	456
may defend action after judgment, when,	51	457
jointly indebted, may be proceeded against, how,	52	457
appears in action, when,	57	458
after appearance, may demand assessment of damages,	67	459
may allege, what, in action of libel or slander,	96	462
in action to recover property distrained, may answer, how,	97	462
may be sued by fictitious name,	106	463

876-14

MINNESOTA STATUTES 1866

GENERAL INDEX.

769

	Sec.	Page.
DEFENDANT may compel substitution of another party, as defendant, when, - - -	111	464
may re-bond property, when, - - -	119	465
make offer of judgment—effect of acceptance of offer, - - -	241	484
entitled to costs, when, - - -	2	495
in equity, making separate answer, costs, how awarded, - - -	5	495
entitled to costs, after tender, when, - - -	12	496
not allowed to testify, when, - - -	7	520
in criminal cases , presumed to be innocent, when, - - -	2	595
entitled to acquittal, in case of reasonable doubt, - - -	2	595
convicted of lowest degree of offense, when, - - -	3	595
conviction, how obtained, - - -	4	595
not held on second indictment, when, - - -	5	595
may be arraigned on new indictment, when, - - -	6	595
held to answer, to be discharged, when, - - -	7	595
may have indictment dismissed, when, - - -	8	595
be ordered to recognize, in case of continuance, - - -	9	595
shall be discharged, if action is dismissed, - - -	10	596
entitled to blank subpoenas, without charge, - - -	11	596
indicted by fictitious name, when, - - -	5	645
arraignment of , must be personally present at arraignment, when, - - -	2	648
may be brought up, for arraignment, by officer, when, - - -	3	648
making default, may be arrested, on bench warrant, - - -	4	648
may give bail, before magistrate, - - -	10	649
be committed, when, - - -	12	649
shall be informed, by court, of his right to have counsel, - - -	14	649
arraignment of, how conducted, - - -	15	649
shall be asked to give true name, - - -	16	649
name given, shall be inserted in minutes, - - -	17	650
time to plead , allowed, when, - - -	18	650
may move to set aside indictment; may demur or plead, - - -	19	650
only pleading allowed, is demurrer or plea, - - -	1	651
may demur to indictment, for what cause, - - -	3	651
if demurrer is not allowed, shall plead, - - -	10	652
refusing to answer indictment, plea of not guilty shall be entered, - - -	11	653
change of name , allowed, when, - - -	1	654
same, shall give recognizance, - - -	3	654
trial , in absence of, had, when, - - -	3	655
same, continuance of, had, when, - - -	4	655
separate, had, when, - - -	6	655
witness for state, when, - - -	7	655
same, for co-defendant, when, - - -	8	655
verdict , what may be, in case of indictment for offense consisting of different degrees, - - -	18	656
same, as to one or more of several defendants, - - -	19	657
punishment , evidence in aggravation or mitigation, receivable, when, - - -	23	657
DEFINITION. See STATUTES—THEIR CONSTRUCTION AND REPEAL, - - -	—	74
“real property” and “land,” in chapter relating to taxes, - - -	2	154
“investments in bonds,” in same chapter, - - -	2	154
“investments in stocks,” “ “ - - -	2	154
“personal property,” “ “ - - -	2	154
“money” or “moneys,” “ “ - - -	2	154
“credits,” “ “ - - -	2	154
“purchaser,” in chapter relating to deeds and mortgages, - - -	25	331
“conveyance,” in same chapter, - - -	26	331
“creditors,” in chapter relating to frauds, - - -	16	335
“conveyance,” in same chapter, - - -	22	335
“grantor of a power,” in chapter relating to powers, - - -	61	348
“grantee of a power,” in same chapter, - - -	61	348
“heirs” or “issue,” in chapter relating to estates in real property, - - -	22	350
“by right of representation,” in chapter relating to descent of real property, - - -	12	355
“executor,” in chapter relating to wills, - - -	36	360
“effects,” in title relating to garnishment, - - -	155	471
DEMURRER , division relating to, - - -	—	469
to complaint, grounds of, - - -	74	459
shall distinctly specify grounds of objection, - - -	75	450
not being interposed, certain objections are waived, - - -	78	460
may be taken to one or more causes of action, - - -	81	460
frivolous , may be stricken out, - - -	82	460
may be taken to defence or counter claim, - - -	83	461
reply, for insufficiency, - - -	85	461

MINNESOTA STATUTES 1866

770

GENERAL INDEX.

	Sec. Page.
DEMURRER, shall be subscribed by attorney, -	86 461
may be taken to answer or reply in proceedings supplementary to judgment, -	261 487
to indictment , chapter relating to, -	— 651
shall be interposed in open court, -	2 651
may be taken, for what causes, -	3 651
shall be in writing, and specify ground of objection, -	4 652
heard, when, -	5 652
court shall allow, or disallow, -	6 652
effect of allowance of, -	7 652
defendant discharged, when, -	8 652
if disallowed, defendant shall plead, -	10 652
what objections only can be taken by, -	11 652
DEPOSITION, admissible in contested election, when, -	50 65
IN ACTION IN JUSTICE'S COURT.	
may be taken to be read in action before justice, -	47 427
how taken, certified and returned, -	48 428
shall be read on trial, when, -	49 428
may be taken on commission, when, -	50 428
commission to take, how obtained, -	51 428
same, how executed and returned, -	52 428
OF WITNESSES WITHIN THE STATE.	
authorized to be taken, -	15 521
may be taken, when, -	16 521
justice may issue notice, and appoint time and place for taking, -	17 521
notice to take, on whom served, -	18, 19 521
how and when served, -	20 521
may be waived, -	21 522
oath of deponent, -	22 522
order of examination of deponent, -	23 522
to be written by whom, and signed by deponent, -	24 522
certificate , justice to annex—form of, -	25 522
how disposed of, -	26 522
not to be used, when, -	27 522
objections , how and when taken, -	28 522
may be used in second action, when, -	29 523
on appeal, how, -	30 523
witness may be compelled to give, when, -	31 523
OF WITNESSES OUT OF THE STATE.	
may be taken under commission, and used, how, -	32 523
commission shall issue, when, -	33 523
out of the state, interrogatories, &c., how settled, -	34 523
oaths and affidavits taken out of state, may be used in evidence, when, -	35 524
TO PERPETUATE TESTIMONY.	
of witness within the state , how to proceed, -	36 524
notice, how and when given, -	37 524
manner of taking and certifying, -	38 524
record of, and certificate to be made, -	39 524
may be used, when, -	40 524
witness compelled to give, how, -	41 525
of witness out of the state , taken by commission, -	42 525
application for commission, how made, -	43 525
notice of application, when and how given, -	44 525
commission granted, when, -	45 525
how taken and returned, -	46 525
how used, filed and recorded, -	47 525
may be taken in this state, to be used in other states, -	48 525
same, in action of forcible entry and detainer, -	8 572
USED BEFORE GRAND JURY.	
of witnesses, used by grand jury, to be filed in court, -	45 640
to be kept secret till defendant is arrested, -	46 640
copy of, to be furnished defendant, by clerk, when, -	48 640
same, to be furnished magistrate by clerk, when, -	56 641
DEPUTY ASSESSOR, appointment of—oath,—duty, -	37 166
DEPUTY CLERK.	
of supreme court , how appointed, -	60 92
shall take oath, which shall be filed, -	60 92
perform duties of clerk, when, -	62 92
of district court , how appointed, -	227 136
shall take oath and give bond, -	228 136

873-180

MINNESOTA STATUTES 1866

	Sec. Page.
DEPUTY CORONER. <i>See</i> CORONER,	— 136
shall be appointed by coroner,	223 136
powers and liabilities,—oath,—bond,	223 136
shall act in his own name,	224 136
DEPUTY COUNTY AUDITOR, may be appointed by auditor,	119 120
shall give bond and take oath,	119 120
has same powers as auditor,	119 120
DEPUTY COUNTY TREASURER, penalty for failure to pay over money,	140 123
shall not purchase orders, &c., at discount,	143 123
appointment, bond, &c.,	86 177
DEPUTY REGISTER OF DEEDS, register may appoint,	158 126
shall take oath, which shall be recorded,	158 126
prohibited from administering oath or taking acknowledgment,	162 127
DEPUTY SHERIFF, shall not practice as attorney, or give advice, &c.,	177 129
ineligible to civil office except that of town or city marshal,	177 129
appointed by sheriff, and removable at pleasure,	178 129
shall take oath which with his appointment shall be recorded in registry of deeds,	178 129
DEPUTY SURVEYOR, of logs and lumber may be appointed,	10 244
DEPUTY WARDEN, of state prison, salary six hundred dollars per annum,	1 93
shall be chief turnkey,	28 670
appointment and term of office,	30 670
DEVISE, of lands gives trustees power in trust but no estate,	12 341
of lands, who may make,	1 356
same, how construed,	2 356
after acquired lands pass by, when,	3 356
to subscribing witness, void, when,	7 356
same, valid, when,	8 356
in lieu of dower, widow may elect,	18 362
election, when deemed made,	19 362
DEVISEES, issue of, takes estate devised, when,	25 358
liable to contribution, when,	31 359
same, creditor for contingent claim, when,	47 381
not to receive share until debts are paid, unless bond is given,	5 386
two or more receiving undivided estate, partition may be made,	6 386
partition conclusive, when,	19 388
to what extent liable for testator's debts.	13 648
in what proportion liable,	16 547
liable to contribution among themselves, how,	17 547
estate of, liable for testator's debts,	20 548
personally liable, when,	30 549
liable for deficiency, when,	31 549
actions and proceedings against, how governed,	33 549
DICE, gambling with, prohibited,	6 619
money lost by playing at, may be sued for,	12 619
notes, &c., given for money won at, void, when,	13 619
DIPLOMA, trustees of colleges may give,	59 274
DISABILITY, as affecting time of commencing actions,	17 452
available to whom,	22 452
two or more, co-existing, effect of,	23 453
DISEASED PROVISIONS, knowingly selling, how punished,	1 624
DISMISSAL.	
in justice's court, of action, granted, when,	20 424
in district court, in what cases allowed,	242 484
all other modes of, abolished,	242 484
of prosecution, if indictment is not found, when,	7 595
indictment, if not tried, when,	8 595
effect of, on defendant and his bail,	10 596
of charge, does not prevent re-submission to another grand jury,	58 641
indictment, allowed for what causes,	1 650
effect of, if case is not re-submitted,	5 650
of charge, if new indictment is not found,	7 651
indictment, no bar to another prosecution, when,	8 651
same, reasons for, entered on minutes,	24 657
DISTRESS, beasts doing damage in night time, may be distrained,	29 220
damages to be appraised,	29 220
time of making such distress,	30 220
in action to recover property distrained, what answer is sufficient,	97 462
DISTRIBUTION. <i>See</i> PARTITION AND DISTRIBUTION OF ESTATES.	— 385
DISTRICT, included in term, town,	1 74
DISTRICT COURTS, jurisdiction of appeals from decisions of county commissioners,	81 113

1872-93

Change of name

1868-118

1869-69

MINNESOTA STATUTES 1866

772

GENERAL INDEX.

	Sec. Page
DISTRICT COURTS , shall direct pleadings to be made up in such cases,	82 114
appoint temporary county attorney, when,	183 130
enter rule for payment of taxes, when,	93 179
may vacate town, &c. , on application of proprietors,	12 235
vacate cemeteries, streets and alleys therein,	116 283
appoint receivers to corporation, when,	168 292
powers of, in such cases,	169 293
shall charge grand jury in relation to trespassers on public lands,	33 322
may appoint new trustee of express trust, when,	27 243
execute power in trust when trustee dies,	28 345
same, when testator has omitted to name trustee,	29 345
acquires jurisdiction in cases of appeal from commissioners on estates, when,	23 378
shall entertain complaint by or against master, order notice, and render judgment,	9 404
POWERS AND JURISDICTION.	
chapter relating to,	— 414
original jurisdiction in civil actions,	1 415
same, in equity,	2 415
in term time may issue writs and process,	3 415
judge of , shall not try cause in which he is interested,	4 415
of one district shall discharge duties of judge of another district, when,	5 415
judge shall not practice as attorney, nor be partner,	6 415
not to be open on Sunday,—exception,	7 415
judge unable to hold term, clerk to notify governor,	8 415
not attending, sheriff or clerk to open and adjourn,	9 415
persons bound to appear at term not held, to appear at next term,	10 416
process shall not abate by reason of vacancy or change of judge,	11 416
to be tested, how,	12 416
to be sealed, signed by clerk, when returnable,	13 416
to be indorsed with name of attorney,	14 416
judge may adjourn court, hold special terms, &c.,	15 416
may appoint place of holding court, when,	16 416
may order special venire, when,	17 416
judicial districts , title relating to,	— 417
general terms , title relating to,	— 417
judge of , may hold term in county for which general terms are not provided,	33 418
counties attached to others for judicial purposes , title relating to,	33 419
APPEALS FROM JUSTICES' COURTS.	
shall proceed to final judgment in case certified from justice's court,	35 426
acquires jurisdiction of appeal from justice, when,	106 435
may compel justice to make return to appeal,	109 436
same, to allow appeal,	110 436
to amend return,	111 436
may affirm judgment of justice on default,	114 436
AMENDMENTS.	
may allow amendment to notice or other paper,	64 458
relieve against mistakes, defaults, &c.,	64 458
extend time to perform act, when,	64 458
is always open for all business except trial of issues of fact,	226 481
may require party to submit conclusions of fact and law,	239 484
DIVORCE.	
may grant decree of divorce for what causes,	6 409
deny a divorce in case of adultery, when,	9 409
shall not hear and determine action, until when,	13 410
action may be heard at general or special term,	14 410
may require husband to furnish wife with money,	15 410
prohibit husband from imposing restraint on wife,	16 410
make order concerning care and custody of children during pendency of action,	17 410
upon granting decree of divorce, further order may be made,	18 410
may revise order from time to time,	19 411
give wife share of husband's personal estate,	21 411
appoint trustees to receive and pay over income to wife,	22 411
make further order respecting personal estate, when,	23 411
decree alimony, when,	23 411
revise order for alimony or other allowance,	25 412
require husband to give security for payment of alimony or other allowance,	26 412
revoke decree upon parties intermarrying,	27 412
change name of female upon divorce, when,	29 412
SPECIAL POWERS.	
may pass title to real property by judgment,	14 540
power of, over officers of corporations,	7 543

892-136

MINNESOTA STATUTES 1866

GENERAL INDEX.

773

		Sec. Page.
DISTRICT COURTS, power to regulate stock of corporations,	9	543
jurisdiction of, over writs of mandamus,	12	555
DIVIDEND, by limited partnership, not allowed, when,	15	237
on bank securities, state auditor shall receive, when,	6	254
same, auditor may give power of attorney to any person to receive,	9	254
bank shall not make, when,	31	253
unclaimed, in bank, how disposed of,	35	259
no distribution of property of corporation to be made until dissolution,	57	274
DIVORCE, chapter relating to,	—	408
marriages, when void without decree of divorce,	1	408
same, when void from time of decree of nullity,	2	408
action to annul marriage, brought, when,	3	409
when marriage shall not be declared a nullity or void,	4	409
same shall not be declared null at suit of party capable of contracting,	5	409
from bond of matrimony , when, and for what causes decreed,	6	409
effect of pardon after divorce on ground of imprisonment,	7	409
complainant must reside in state one year, exception,	8	409
when court may deny, though adultery is established,	9	409
action for, how and when brought,	10	410
complaint shall contain, what,	11	410
service of summons and complaint, how made,	12	410
time to answer action,	13	410
proceedings in default and after issue joined,	14	410
court may require husband to furnish wife with money,	15	410
prohibit husband's imposing restraint on wife's liberty,	16	410
children , court may make order concerning care and custody of,	17	410
may make further order, when,	18	410
revise order concerning children,	19	411
wife entitled to her real estate,	20	411
court may order personal estate to be restored to wife,	21	411
husband may be compelled to disclose as to personal estate,	21	411
court may appoint trustees over wife's property,	22	411
alimony , court may decree,	23	411
wife to have dower in certain cases,	24	412
court may revise order concerning alimony and appointing trustees,	25	412
require husband to secure payment of alimony,	26	412
revoke decrees where parties intermarry after,	27	412
penalty for cohabiting after,	28	412
effect of decree,	29	412
court may change name of female,	29	412
testimony of parties alone shall not authorize a divorce,	96	531
DOCKET, clerk of district court shall keep,	229	136
justice of the peace shall keep,	7	422
DODGE COUNTY, boundaries of,	19	100
included in fifth judicial district,	22	417
DOUGLAS COUNTY, boundaries of,	20	100
included in seventh judicial district,	24	417
DOWER. RIGHTS OF.		
in husband's land, after his death, unless lawfully barred,	1	360
lands exchanged, must make election,	2	360
lands mortgaged before coverture, as against what persons,	3	360
lands purchased and mortgaged after coverture, as against whom,	4	360
surplus on sale of lands mortgaged,	5	361
residue of lands mortgaged after payment of mortgage,	6	361
lands aliened by husband, which have enhanced in value,	7	361
wife entitled to, after marriage is dissolved, when,	24	412
HOW ASSIGNED OR RECOVERED.		
assigned by probate court, when,	8	361
commissioners shall be appointed to set off,	9	361
same, shall proceed how,	10	361
assigned of rents and profits of real estate, when,	11	361
widow may occupy lands or receive one-third of rents and profits, when,	12	362
HOW RELEASED AND BARRED.		
barred by joint deed of husband and wife,	13	362
same, by jointure, when,	14	362
assent to jointure expressed; how,	15	362
barred by assenting to pecuniary provision in lieu of,	16	362
when election may be made after jointure,	17	362
same, after will making devise,	18	362
election deemed made, when,	19	362

MINNESOTA STATUTES 1866

GENERAL INDEX.

775

	Sec.	Page.
EDUCATION. Shall furnish auditor with attested copy of his record, annually,	21	302
auditor shall file record and levy tax—rate per cent.—shall send abstract to state superintendent,	22	302
penalty for neglect,	22	302
report shall contain, what,	22	302
clerk failing to make report, how punished,	23	303
school money , county auditor to apportion,	24	303
county treasurer to pay over school money, when,	25	303
powers of legal voters in school districts,	26	303
taxes , how levied and collected,	27	304
county commissioner to appoint examiners of teachers,	28	304
examiner , duty of,	29	304
may re-examine teacher,	30	394
fees of examiner,	31	304
teachers to pass examination, and receive certificate,	32	304
procure register,	33	304
trustees to determine who may attend school from other districts,	33	304
expulsion of scholars,	33	304
teachers to be paid out of first moneys in treasury,	34	305
tax, how levied and collected,	35	305
fines to be set apart for use of schools,	35	305
auditor to keep account with each district,	35	305
school land exempt from taxation,	36	305
existing rights not affected,	37	305
attorney general to give opinion, when,	37	305
decisions of attorney general shall be published,	38	305
school district entitled to public money, when,	39	305
superintendent of public instruction, who is,	40	306
shall make report to legislature, annually,	41	306
send blanks to county auditors,	42	306
distribute registers and forms,	43	306
apportion school funds, when,	44	306
COUNTY SUPERINTENDENTS.		
counties may adopt system provided in title two,	45	306
county superintendent of schools may be appointed for one year—duties—oath,	46	306
resolutions to be forwarded to state superintendent,	47	307
county superintendent, how removed,	48	307
powers and duties of,	49	307
shall hold meetings in each commissioner district, for examination of teachers,	50	307
examination of teachers , how conducted,	51	307
certificates issued,	51	308
record to be kept,	51	308
county superintendent to make report,	52	308
to forward blanks to district clerks,	52	308
compensation of,	53	308
INDEPENDENT SCHOOL DISTRICTS.		
independent school districts, how organized,	54	308
notice of meeting to form organization, how given,	55	308
meeting, how conducted,	56	308
directors , how chosen—term of office,	57	309
shall take and file oath,	57	309
powers and duties of,	58	309
board of education , shall organize, how,	59	309
compensation of clerk and treasurer,	60	309
quorum, four members constitute,	61	309
vacancy , how filled,	62	309
duties of superintendent,	63	309
president and clerk to file acceptance of office,	64	310
duties of clerk—shall make report which shall show, what,	65	310
record of board, or transcript, to be evidence of facts therein stated,	66	310
treasurer to give bond—his duties,	67	310
board may hold meetings, when and where,	68	311
purchase or erection of school houses, meeting to consider, how called and conducted,	69	311
powers and duties of,	70	311
shall maintain schools how long each year—send account of tax to county auditor,	71	312
keep record of proceedings and make report of receipts and expenditures,	71	312
admission to schools, gratuitous,	72	312
board of education to appoint school examiners—powers and duties of examiners,	73	313
taxes , how levied and collected,	74	313
effect of adoption of this title,	75	313

MINNESOTA STATUTES 1866

776

GENERAL INDEX.

	Sec. Page
EDUCATION. Title three, how repealed, - - - - -	76 313
ACTIONS BY OR AGAINST TRUSTEES.	
trustees of school districts may prosecute actions, how, - - - - -	77 313
actions against, how brought, - - - - -	78 313
process, how served, - - - - -	79 314
judgment against, how collected, - - - - -	80 314
judgment not paid, certified copy to be presented to annual meeting, - - - - -	81 314
tax to be levied to pay judgment and interest, - - - - -	82 314
execution may issue, when, and what property be levied on, - - - - -	83 314
STATE NORMAL SCHOOLS.	
location of , first state normal school at Winona, - - - - -	1 315
second state normal school at Mankato, - - - - -	2 315
third state normal school at St. Cloud, - - - - -	3 315
when five thousand dollars are donated for second normal school, state shall furnish an equal sum, - - - - -	4 315
when five thousand dollars are donated for third normal school, the state shall furnish an equal sum, - - - - -	5 315
if said donations are made, schools shall not be removed for ten years—otherwise, may be located elsewhere, - - - - -	6 315
state normal board , how composed, - - - - -	7 315
each director to take oath—term of office, - - - - -	8 315
treasurer to give bond, - - - - -	8 315
powers and duties of state normal board, - - - - -	9 315
normal board may appoint prudential committee—their powers and duties, - - - - -	10 316
terms of admission of students, - - - - -	11 316
diploma shall be license to teach, - - - - -	11 316
normal board shall make annual report, - - - - -	13 316
rights of normal school at Winona preserved, - - - - -	14 317
ELECTION , annual election, when held, - - - - -	1 54
what forms election district, - - - - -	2 54
election , judges of, who are, - - - - -	2 54
clerks of, who shall be, - - - - -	2 54
judges of, in cities, how appointed, - - - - -	2 54
place of holding, - - - - -	2 54
districts may be united or divided, - - - - -	2 54
notice of, how given, - - - - -	4 54
failure to give notice does not invalidate, - - - - -	4 54
polls, when opened, - - - - -	7 56
returns of, form of, - - - - -	14 57
tie , proceedings in case of, - - - - -	23 59
of electors, to be published, - - - - -	23 59
or rendered invalid from want of form in abstract of votes, - - - - -	33 61
clerks of, to call special election, - - - - -	34 62
where ordered to fill vacancy in county which has been divided, - - - - -	39 63
who shall vote at such election, - - - - -	39 63
day of, no civil process shall be served, - - - - -	44 64
plurality of votes to elect, - - - - -	45 64
contest concerning, how conducted, - - - - -	46 64
notice of contest, how given, - - - - -	46 64
testimony, how taken and certified, - - - - -	47 64
testimony on points not specified in contestant's notice, how provided for, - - - - -	48 64
testimony to be confined to points specified in notices, - - - - -	48 64
what testimony may be admitted, - - - - -	50 65
rules for conducting, - - - - -	51 65
provisions of chapter to apply to all elections, - - - - -	73 69
of United States senator. See UNITED STATES SENATOR, - - - - -	17 73
of county commissioner, how conducted, - - - - -	86 115
election district , who may establish, - - - - -	106 118
entitled to what officers, - - - - -	108 118
at town meeting, notice of, how given, - - - - -	31 142
annual, of trustees of cemetery association shall take place, when, - - - - -	103 281
of trustees of lot owners—what notice shall be given, - - - - -	104 282
trustees of cemetery association may appoint day of, when, - - - - -	105 282
ELECTION, JUDGES OF , who are—shall appoint additional clerk, when, - - - - -	2 54
in cities shall appoint two clerks, - - - - -	2 54
list of voters shall be made by, - - - - -	5 55
shall attend to make corrections, - - - - -	5 55
rule for making list and corrections, - - - - -	5 55
shall make duplicate of list, - - - - -	5 55
failing to attend, or disqualified, electors may choose, - - - - -	6 55

Electron city 1872-1861

MINNESOTA STATUTES 1866

GENERAL INDEX.

777

	Sec.	Page.
ELECTION, JUDGES OF , shall take oath, and may administer oath to each other, -	6	55
<i>compensation of</i> , -	8	56
shall open ballot box, and keep key, -	9	56
opening of polls , to be proclaimed by, -	9	56
shall pronounce name of person voting, -	11	56
deposite ballot in box, how, -	11	56
sign list, -	13	56
votes shall be counted by, -	14	57
shall deposit votes in office of town or city clerk, -	14	57
returns shall be indorsed and sent, where, -	17	58
one judge to deliver returns to county auditor, -	17	58
penalty for failing to deliver returns, -	18	58
failing to perform duty, or willfully doing act improperly, is guilty of felony, -	41	63
penalty in such case, -	41	63
shall be governed by certain rules in ascertaining residence of elector, -	55	66
challenge person offering to vote, when, -	69	68
be appointed by whom, in certain cases, -	107	118
TOWN MEETINGS.		
determine challenge at town meeting, -	21	142
sign the clerk's minutes of proceedings, -	23	142
deposit ballots in box, -	28	142
canvass votes, -	29	142
ELECTOR , to be registered, -	5	55
name of, accidentally omitted, may be added to list, -	5	55
may choose judges of election, when, -	6	55
ballot , shall vote by, -	10	56
not to be served with civil process on any election day, -	44	64
may contest or defend election of county officer, -	49	64
contest vote removing county seat or changing county lines, -	52	65
shall vote in election district where he resides, -	56	66
penalty for voting elsewhere, -	57	66
for voting more than once at same election, -	58	66
of another state voting here, is guilty of felony, -	59	66
not qualified, voting, is guilty of felony, -	60	67
qualified, person inducing vote, is guilty of misdemeanor, -	61	67
person inducing another to vote in wrong election district, is guilty of felony, -	62	67
using threats or bribery, is guilty of misdemeanor, -	63	67
furnishing false ticket, is guilty of felony, -	64	67
challenged , as unqualified, shall take oath, -	65	67
shall be asked certain questions, -	65	67
produce certificate of naturalization, when, -	65	67
refusing to answer, when challenged, not allowed to vote, -	66	68
additional oath to be taken, -	67	68
refusing to take this oath, not allowed to vote, -	68	68
person fraudulently putting ballot in box, is guilty of felony, -	70	68
TOWN MEETINGS.		
may do what, at annual town meeting, -	15	140
shall choose moderator, -	19	141
majority of those voting to decide, -	20	141
who is, at town meeting, -	22	142
may vote to discontinue pound, -	99	151
ELECTORS OF PRESIDENT AND VICE PRESIDENT , when elected, -	1	54
election of, to be published, -	23	59
shall meet, where, -	24	59
notify governor of readiness to perform duties, -	25	59
failing to appear, vacancy, how filled, -	25	59
shall certify names of persons chosen to fill vacancy, to governor, -	27	60
chosen to fill vacancy, to be notified, -	27	60
shall meet, where, -	27	60
fees of, -	28	60
EMBEZZLEMENT , of deceased person's effects,, proceedings on complaint, -	7	373
crime of, how punished, -	27	606
accessory to, who deemed, -	28	606
refusal of public officer to pay over public money, not deemed, when, -	29	606
EQUITY , remedy in, for defective execution of power, -	57	347
relief in, purchaser under defective execution of power, entitled to, -	58	347
district courts have original jurisdiction in, -	2	415
suits in, and actions at law, distinction between, abolished, -	1	450
costs in, rest in discretion of the court, -	5	495
ESCAPE , from prison, attempt to aid, how punished, -	11	614
aiding in, from officer, how punished, -	12	614

MINNESOTA STATUTES 1866

778

GENERAL INDEX.

	Sec.	Page
ESCAPE , of prisoner from jail, by voluntary act of keeper, how punished, - - - - -	13	615
same, through negligence of keeper, how punished, - - - - -	14	615
by officer refusing to make arrest, how punished, - - - - -	15	615
of person arrested, officer may pursue and retake, when and where, - - - - -	21	631
prisoner from jail, when under sentence, how punished, - - - - -	21	670
same, detained for trial, how punished, - - - - -	22	670
for trial for capital offense, how punished, - - - - -	23	670
not deemed, when jail takes fire and prisoners are removed, - - - - -	24	670
of convict from state prison, warden shall offer reward, - - - - -	68	674
ESCHEAT , of lands to the people of the state occurs, when, - - - - -	1	352
ESTATES IN COMMON , grants and devises of lands, declared to be, when, - - - - -	44	352
ESTATES BY THE CURTESY , who entitled to, - - - - -	30	363
not affected by right of married women to hold separate property, - - - - -	4	500
sale of, may be ordered in proceeding for partition, - - - - -	23	535
effect of sale of such estate, - - - - -	24	535
gross sum allowed in satisfaction of, how, - - - - -	25	535
owner of, liable to action for waste, - - - - -	26	541
ESTATES IN DOWER , chapter relating to, - - - - -	—	360
in action to recover, what must be shown, - - - - -	3	539
owner of, liable to action for waste, - - - - -	26	541
ESTATES EXPECTANT , how divided, - - - - -	9	349
not defeated or barred by alienation of owner, or destruction of precedent estate, - - - - -	32	351
may be defeated, if party creating it, has so provided, - - - - -	33	351
are descendible, devisible and alienable, - - - - -	35	351
time of creation of, what deemed to be, - - - - -	41	352
abolished, except as defined in statutes, - - - - -	42	352
ESTATES OF FREEHOLD , are estates of inheritance and for life, - - - - -	5	349
when estate for life is so deemed, - - - - -	6	349
may be created to commence at a future day, when, - - - - -	24	350
owner of, may bring action for partition, - - - - -	1	532
ESTATES FOR LIFE , denominated estates of freehold, - - - - -	5	349
of third person; deemed chattels real, when, - - - - -	6	349
successive, not to be limited unless to persons in being at creation thereof, - - - - -	17	350
limited as remainder on term of years, how, - - - - -	21	350
not affected by judgment and partition, - - - - -	9	533
in undivided property, how set off, - - - - -	17	534
sold, when, in action for partition, - - - - -	23	535
effect of sale on estate, - - - - -	24	535
gross sum allowed for, when, - - - - -	25	535
rights of unknown owners of, court shall protect, - - - - -	28	536
owner of, liable to action for waste, - - - - -	26	541
ESTATES IN REAL PROPERTY , chapter relating to, - - - - -	—	348
how divided, - - - - -	1	348
what a fee simple, - - - - -	2	349
person entitled to fee tail shall take an allodial estate, when, - - - - -	3	349
conveyance by tenant in tail to pass an allodial estate, when, - - - - -	4	349
freeholds , chattels real, chattel interests, - - - - -	5	349
for life of third person, how denominated, - - - - -	6	349
in possession and expectancy, - - - - -	7	349
definition of, - - - - -	8	349
in expectancy, how divided, - - - - -	9	349
future estate defined, - - - - -	10	349
termed a remainder, when, - - - - -	11	349
reversions , definition of, - - - - -	12	349
future estates, divided into vested and contingent, - - - - -	13	349
void, when, - - - - -	14	349
absolute power of alienation may be suspended, how long, - - - - -	15	350
contingent remainder in fee, how created, - - - - -	16	350
successive estates for life, how limited, - - - - -	17	350
remainder, how created in certain cases, - - - - -	18	350
shall take effect, when, - - - - -	19	350
contingent remainder, how created in certain cases, - - - - -	20	350
estate for life , how limited as a remainder, - - - - -	21	350
meaning of term "heirs" and "issue," in certain remainders, - - - - -	22	350
certain provisions to apply to limitation of chattels real, - - - - -	23	350
future, how created, - - - - -	24	350
certain future estates, not void, - - - - -	26	350
remainder upon a contingency, how construed, - - - - -	27	350
heirs of tenant for life to take as purchasers, when, - - - - -	28	351
construction of certain remainders, - - - - -	29	351

MINNESOTA STATUTES 1866

GENERAL INDEX.

779

	Sec. Page.
ESTATES IN REAL PROPERTY.	
posthumous children, entitled to take,	30 351
birth of, defeats future estate, when,	31 351
expectant estate not defeated or barred by any alienation, &c.,	32 351
remainder valid, when,	34 351
qualities of expectant estates,	35 351
disposition of rents and profits, how governed,	36 351
accumulation of rents and profits may be directed by will or deed,	37 351
direction void, when,	38 351
application of rents and profits to support of infants,	39 352
who entitled to rents and profits, in certain cases,	40 352
expectant estates, when created,	41 352
abolished, except as herein defined,	42 352
division of,	43 352
estates in common, when created,	44 352
not created in case of mortgages, &c.,	45 352
nominal conditions annexed to grant, may be disregarded,	46 352
ESTATES BY SUFFERANCE, denominated chattel interests,	5 349
not subject to sale on execution,	5 349
ESTATES TAIL, abolished,	3 349
heretofore created, declared to be allodial, when,	4 349
ESTATES AT WILL, deemed chattel interests,	5 349
not liable to sale on execution,	5 349
how determined,	21 541
ESTATES FOR YEARS, denominated chattels real,	5 349
remainder created on, how,	18 350
contingent remainder created on, how,	20 350
estate for life limited on, how,	21 350
absolute ownership of, suspended, how long,	23 350
remainder on, how construed,	32 351
in undivided property, how set off in action for partition,	17 534
may be set off or sold, when,	23 535
effect of sale on such estate,	24 535
gross sum allowed for, when,	25 535
ESTRAYS, person taking up shall give notice,	1 216
description of, shall be filed with town clerk, when,	2 216
value of, shall be appraised, when,	3 216
may be sold, when,	7 217
expenses of keeping, how fixed,	8 217
proceeds of sale of, how disposed of,	10 217
same, paid to county treasurer, when,	11 217
driving away, without authority—penalty,	13 218
penalty for failing to comply with provisions of chapter,	14 218
EVIDENCE. See WITNESSES AND EVIDENCE,	— 518
certificate of election, prima facie evidence of right to seat in legislature,	4 71
tax deed, effect of,	138 186
effect of as to title,	140 186
effect of,	151 188
record of notary, as to protest,	8 229
instrument of protest of notary,	9 229
certificate of surveyor general, as to log mark, effect of,	18 246
copy of certificate relative to organization of bank,	12 255
certificate of purchase, &c., from state land office duly sealed, effect of,	5 318
copy of chattel mortgage,	4 327
what admissible in trial of controversy concerning trust lands,	6 337
return of sheriff that defendant cannot be found in county,	49 456
in action for rent,	19 541
of assets in hands of executor, judgment is, when,	3 546
reduced to writing when,	15 634
of embezzlement, allowed under what allegations,	23 647
of ownership of property in indictment, what is, in certain cases,	24 648
what allowed under plea of not guilty to indictment,	7 653
after verdict, in mitigation or aggravation of punishment,	23 657
EXAMINATION, in proceedings supplementary to execution, how conducted,	302 493
of candidate for admission as attorney,	3 582
of offenders, provisions relating to,	— 632
warrant to bring up for,	2 632
apprehension for, may be in any county,	3 632
recognizance may be given without,	4 632

MINNESOTA STATUTES 1866

780

GENERAL INDEX.

	Sec.	Page.
EXAMINATION , same, how taken, - - - - -	5	632
to be before whom, - - - - -	8	632
how adjourned, - - - - -	9	633
default on non-appearance for, - - - - -	10	633
committal, if no recognizance, - - - - -	11	633
conduct of examination, - - - - -	12	633
testimony on, to be in writing and signed, - - - - -	15	634
discharge from, when, - - - - -	16	634
when no bail allowed on, - - - - -	17	634
defendant when discharged on bail, - - - - -	18	634
same when committed for trial, - - - - -	18	747
justice may associate another with himself for, - - - - -	23	634
how certified and returned by justice, - - - - -	24	634
EXCEPTIONS , title relating to, - - - - -	—	483
definition of, - - - - -	233	483
how stated and settled, - - - - -	233	483
form of—evidence, - - - - -	234	483
bill of, how served and settled, - - - - -	237	483
EXEMPTION , of property, from taxation, - - - - -	3	155
same, from attachment or sale on final process, - - - - -	279	489
exception in favor of process to collect purchase money of same property, - - - - -	280	490
of damages recovered for levy on exempt property, - - - - -	281	490
proceedings in case of levy on excess of exempt property, - - - - -	282	490
of certain quantity of land as a homestead, - - - - -	1	498
property of wife, for debts of husband, - - - - -	1	499
persons, from service on petit juries, - - - - -	3	512
same, from service on grand juries, - - - - -	4	636
EXECUTION , title relating to, in justice's court, - - - - -	—	431
same in district court, - - - - -	—	487
COUNTIES AND TOWNS.		
on claim against county, issued when, - - - - -	82	114
judgment against county commissioners, - - - - -	83	114
judgment against town, issued when, - - - - -	91	150
what property leviable, - - - - -	91	150
STOCKHOLDERS AND TRUSTEES.		
how levied on private property of stockholders, - - - - -	10	265
officer having execution which may be levied on private property, shall proceed, how, - - - - -	11	265
levy of, to satisfy balance after levy on corporate property, - - - - -	11	265
lot in cemetery exempt from taxation and sale on, - - - - -	109	282
in private cemetery exempt from taxation and sale on, - - - - -	115	383
against trustees of independent school districts, what levied on, - - - - -	83	314
PROBATE COURT.		
may issue, to enforce orders, judgments and decrees, - - - - -	7	365
shall be issued by the judge of probate, - - - - -	13	366
EXECUTORS AND ADMINISTRATORS.		
may issue in favor of person who had lien by attachment, when, - - - - -	49	381
shall not issue in any other case against estate of deceased, - - - - -	50	381
for costs, may issue against executor, when, - - - - -	13	383
awarded for full value of estate in hands of executor, when, - - - - -	8	385
moneys collected on, how disposed of, - - - - -	9	385
CIVIL ACTIONS.		
in justice's court may issue for costs, - - - - -	67	430
shall not issue on transcript in district court until execution has been issued by justice and returned unsatisfied, - - - - -	71	431
in action where service was by publication, how enforced, - - - - -	72	431
on judgment rendered by justice, may issue, when, - - - - -	73	431
form of , and time of return, - - - - -	74	431
before delivery of, justice to make certain entries, - - - - -	75	431
may be renewed from time to time, - - - - -	76	431
notice of sale of goods taken on, how given, - - - - -	77	431
shall be returned, when, - - - - -	78	432
sale of goods on, officer not to purchase, - - - - -	79	432
money received on, shall be indorsed and a receipt given, - - - - -	80	432
on judgment against principal and sureties on appeal bond, how enforced, - - - - -	115	436
in district court , title relating to, - - - - -	—	486
may issue in proceedings supplementary to judgment, - - - - -	261	487
may issue at any time within ten years, - - - - -	262	487
kinds of , two; one against property, the other for delivery of property, - - - - -	262	487
how issued and what to contain, - - - - -	263	487
returnable within sixty days after receipt by officer, - - - - -	265	488

MINNESOTA STATUTES 1866

GENERAL INDEX.

781

	Sec. Page.
EXECUTION , enforced how—party refusing to obey, guilty of contempt, - - -	266 488
may issue after judgment debtor dies, when, - - -	267 488
to what officer issue—may issue to different counties, - - -	268 488
leviable , on what property, - - -	269 488
how levied on property subject to lien of judgment, - - -	270 488
personal property, how levied on, - - -	271 488
bulky articles, how levied on, - - -	272 488
debts, stock, &c., how levied on, - - -	274 489
copy of, and inventory to be served on defendant, - - -	275 489
return in case of levy on gold, silver, &c., - - -	277 489
proceedings in case of levy on articles under pledge, - - -	278 489
personal property exempt from levy and sale on, - - -	279 489
no exemption from levy for purchase money, - - -	280 490
damages recovered for levy on exempt property, are exempt, - - -	281 490
excess of exempt property may be levied on, - - -	282 490
grain, grass and other unharvested crops, how levied on, - - -	283 490
sheriff shall execute writ, how, - - -	284 490
notice of sale of property levied, how given, - - -	285 490
selling without notice, or taking down or defacing notice—penalty, - - -	286 490
sale of property levied on, when and how made, - - -	287 491
sale absolute, when—subject to redemption, when, - - -	288 491
certificate , officer to deliver to purchaser, - - -	289 491
certificate shall contain, what, - - -	289 491
to operate as a conveyance, when, - - -	290 491
redemption of real estate sold on, may be made by whom, - - -	291 491
parties to redeem, in what order, - - -	292 491
redemption, how made, - - -	293 492
person redeeming entitled to certificate of redemption, - - -	294 492
certificate to be acknowledged and recorded, - - -	294 492
interest of purchaser subject to lien, and may be sold, - - -	295 492
real property sold, court may restrain waste on, - - -	296 492
purchaser of property sold on, rights of—new execution may issue, - - -	297 492
may be paid by person indebted to judgment debtor, - - -	301 493
real property exempt from levy and sale on, - - -	1 498
plaintiff in, dissatisfied with homestead selected, may have same re-surveyed, - - -	4 498
issued on judgment on official security, how indorsed, - - -	5 550
appeals and writs of error, a stay of, when. See Chapter relating to appeals, &c., - - -	— 662
of judgment in criminal cases, chapter relating to, - - -	— 664
EXECUTIVE DOCUMENTS , number of copies and how printed, - - -	30 82
who are entitled to copies, - - -	31 83
copies not distributed to be preserved, - - -	38 84
EXECUTORS AND ADMINISTRATORS , shall list property of estates, - - -	4 156
refusing to pay taxes on property of estate, liable to devise for damages, - - -	107 181
paying taxes, allowed compensation, - - -	109 181
may vote as stockholders, - - -	166 292
not personally liable as stockholders, - - -	165 292
PROBATE OF WILLS.	
shall present will for probate, when, - - -	11 357
penalty for neglect to do so, - - -	12 357
may have foreign will probated, - - -	19 357
meaning of term "executor," - - -	36 360
record of appointment of, probate court shall keep, - - -	8 365
LETTERS TESTAMENTARY.	
letters testamentary shall issue to, when, - - -	1 367
bond to be given by—how conditioned, - - -	2 367
same, when executor is residuary legatee, - - -	3 367
neglect to give bond, effect of, - - -	4 367
refusal to accept trust, others may be appointed, - - -	5 367
minority of, how to proceed, - - -	6 367
administrator with will annexed to give bond, - - -	7 368
marriage of executrix, effect of, - - -	8 368
non-residence of, cause of removal, - - -	9 368
death of,—effect of, - - -	10 368
inability to act of part of, those authorized may act, - - -	11 368
executor of, not to administer, - - -	12 368
bond of, may be separate or joint, - - -	13 368
ADMINISTRATION AND DISTRIBUTION.	
who are entitled to appointment, - - -	3 370
bond shall be given, - - -	4 370
special administrator appointed, when, - - -	5 370

1873-180

MINNESOTA STATUTES 1866

782

GENERAL INDEX.

	Sec.	Page.
EXECUTORS AND ADMINISTRATORS, same, duty of,	6	370
not liable for debts,	7	370
shall give bond,	8	370
powers of, shall cease, when,	9	371
may bring action against person embezzling or alienating effects, &c.,	10	371
death of, who may be appointed,	11	371
removal of, when probate court may order,	12	371
marriage of female, effect of,	13	371
removal of, who may execute trust,	14	371
powers of administrator de bonis non,	15	371
to cease, when,	16	371
same, of executor, as to bringing actions, &c.,	17	371
acts of, before revocation of letters, are valid,	18	372
bonds of, may be separate or joint,	19	372
notice of application for appointment of, how given,	20	372
INVENTORY AND COLLECTION OF EFFECTS.		
shall make and return inventory, when,	1	372
rights of, as to real and personal estate,	6	372
may make complaint for embezzlement, &c.,	7	373
may have party cited in, to render account,	9	373
compound debts due estate,	10	373
foreclose mortgages,	11	373
give releases and receipts,—how seized when purchasing mortgaged premises,	12	374
real estate purchased by, how sold,	13	374
same, if not sold, how assigned and distributed,	14	374
shall bring actions to recover lands, when,	15	374
not bound to bring action unless on application of creditor, &c.,	16	374
estate recovered, how disposed of,	17	374
PAYMENT OF DEBTS AND LEGACIES.		
shall exhibit claims in offset before commissioners,	9	376
may pay debts according to terms of contract,	13	377
actions against, not maintainable, when,	15	377
may be admitted to defend actions,	16	377
may commence actions, when,	17	377
appeal from report of commissioners, may be taken, when,	20	377
declining to appeal, party interested may appeal,	27	378
notice of appeal in certain cases, how given,	28	378
time for payment of debts, &c., to be fixed, how,	29	378
same, may be extended,—how long,	30	378
notice of application to extend time, how given,	31	378
death or inability of, time may be extended,	32	378
shall pay debts of estate, when,	33	378
same, in what order, if assets are insufficient,	34	379
personally liable for debts, &c., when,	40	380
shall pay contingent claims, when,	46	380
actions against, how defended in certain cases,	48	381
same, allowed, when,	49	381
allowed in no other cases,	50	381
RENDERING ACCOUNTS.		
rendering accounts by, chapter relating to,	—	382
chargeable with what,	1	382
shall account for personal estate, how,	2	382
not make profit or suffer loss,	2	382
personal estate may be sold, when and how,	4	382
account of personal estate to be rendered,	5	382
not accountable for debts, when,	6	382
shall account for income of real estate,	7	382
accountable for loss by neglect,	8	383
account to be rendered, when,	9	383
may be examined on oath as to account,	10	383
compensation of,	11	383
liable on bond, when,	12	383
execution for costs issued, when,	13	383
notice of examination of account, to be given,	14	383
SALE OF LANDS.		
sale of lands by, chapter relating to,	—	389
real estate of deceased, sold when,	1	389
license to sell, how obtained,	2	389
notice of petition and order to show cause,	3	389
order, how published and served,	4	390

873-176

	Sec.	Page.
EXECUTORS AND ADMINISTRATORS, proceedings on hearing,	5	390
whole estate may be sold, when,	6	390
license not to be granted, if bond is given,—how conditioned,	7	390
bond, how prosecuted,	8	390
order of sale, judge of probate shall make, when,	9	390
order shall contain, what,	10	390
license to sell may extend to reversion of dower,	11	391
administrator with the will annexed, licensed to sell, when,	12	391
interest in contract made by deceased may be sold,	13	391
sale, how made and confirmed,—purchaser to give bond,	14	391
bond, how conditioned,	15	391
assignment of contract to be made to purchaser,	16	391
proceeds of sale, how disposed of,	17	391
sales and conveyances subject to all charges,	18	391
foreign executor, how licensed to sell,	19	392
bond to be given in all cases,	33	393
order of sale to be made, sale shall be made within what time,	34	394
notice of sale to be given, shall contain, what,	35	394
sale to be made at public auction,	36	394
not to be purchasers,	37	394
length of credit given, security,	38	394
return to be made of proceedings on sale,	39	394
sale vacated and re-sale ordered, when,	39	394
confirmed, when,	40	394
oath of, form of oath,	41	394
proof of notice of sale to be filed and recorded,	42	395
sale may be adjourned,	43	395
notice of adjournment, how given,	44	395
surplus proceeds of sale, considered real estate,	45	395
limitation of action,	46	395
sale not to be avoided, when,	47	395
liability for neglect or misconduct,	48	395
validity of sale, not affected by irregularity, when,	49	395
making fraudulent sale, how liable,	50	396
CONVEYANCE OF REAL ESTATE.		
conveyance of real estate by, chapter relating to,	—	398
may convey real estate by order of probate court,	1	398
ACTIONS.		
may sue alone,	28	453
be garnished,	151	471
costs, recoverable by or against,	12	496
fees of,	6	505
<i>See</i> ACTIONS BY OR AGAINST,	—	545
appeal by, court may limit or dispense with security,	15	578
liens, rights of, under chapter relating to,	14	591
EXPRESS REPEAL, of enumerated acts, by general statutes,	—	677
EXPRESS TRUSTS may be created, for what purposes,	11	341
shall be power in trust, when,	14	341
vest whole estate in trustees,	16	342
deemed absolute against creditors of trustees, when,	20	342
sale in contravention of, void, when,	21	342
purposes of, ceasing, estate of trustee ceases,	23	342
death of trustee of, trust how executed,	24	342
trustee of, may resign,	25	342
same, may be removed,	26	342
new trustee of, court may appoint,	27	343
EXTORTION, by taking illegal fees, prohibited,	30	511
claiming fees for services not actually performed, prohibited,	31	511
penalty for, in such cases,	32	511
of money, &c., by threats, how punished,	38	601
EXTRA SESSION, of legislature, how convened,	3	86
pay for only thirty days of, allowed,	14	72

MINNESOTA STATUTES 1866

784

GENERAL INDEX.

F

	Sec. Page.
FALSE IMPRISONMENT , action for, when brought,	8 451
offense of, how punished,	42 601
same, tried in what county,	43 601
FALSELY ASSUMING to be justice, sheriff, or other officer, how punished,	18 615
FALSELY PERSONATING ANOTHER , and thereby obtaining money, &c., deemed simple larceny,	32 607
FALSE PRETENCES, TOKENS, &c. , obtaining money, goods or other property, by, how punished,	33 607
FALSE REPRESENTATIONS concerning title to land, with intent to defraud, how punished,	40 608
FARIBAULT COUNTY , boundaries of,	21 101
included in sixth judicial district,	23 417
FATHER , shall list, for taxation, property of minor child,	4 155
in what order called on to support pauper children,	2 202
may forbid the selling of liquor to minor children, wards or servants,	10 208
of bastard child, to give security for support of,	7 211
shall inherit children's property, when,	1 353
entitled to custody of minor child,	5 400
may appoint guardian for his children, by last will,	6 400
bind to service his children under fourteen years of age,	2 402
retains common law right to assign his minor child's services,	18 405
may prosecute as plaintiff, for seduction of his daughter,	32 454
maintain action for injury to child,	33 454
FEBRUARY TWENTY-SECOND , bills of exchange, &c., maturing on, when payable,	3 226
FEES , of electors,	28 60
of county officers, for abstracts, &c.,	54 66
state auditor, for copies, &c.,	20 87
county commissioners,	92 116
town officers,	82 148
county treasurer, for receiving certain taxes,	60 172
for defending action by county officer, to be county charge, when,	68 173
in such case, how apportioned and collected,	68 173
of county treasurer, for collecting tax of person removed from another county,	97 179
for collecting certain taxes,	101 180
overseer of highways,	25 193
county commissioners,	44 196
committees,	65 199
town clerk, for recording notice of taking up estrays,	3 216
taker-up of estray, for giving notice,	5 217
town clerk, for certificate, &c.,	6 217
county treasurer, for paying over money received on sale of estrays,	12 218
justice and constable, relating to unclaimed property,	28 219
clerk of court, for certifying to acts of notary,	5 229
surveyors, for surveying town plats,	8 234
surveyor generals of logs and lumber,	16 245
surveyor general, for recording claim of lien,	37 250
state auditor, for issuing notes,	41 260
redeeming notes,	42 260
commissioners appointed by district judge, fixed by him,	15 266
for recording certificate of election in religious corporation,	72 276
of supervisors of roads and district judges, for viewing plank or turnpike road,	144 290
paid by whom,	145 290
for examination of school teacher,	31 304
clerk of court, for granting marriage license,	8 407
on appeal in criminal case before justice, payment of, not required,	151 443
of town clerk, for filing copy of attachment, &c.,	134 467
register of deeds, for filing release of attachment, &c.,	145 469
of garnishees , same as witness,	149 470
expenses allowed, when,	173 474
allowance deducted out of sum due,	174 474
chapter relating to,	— 501
of clerks of district courts,	2 502
clerk of the supreme court,	3 503

MINNESOTA STATUTES 1866

GENERAL INDEX.

785

	Sec. Page.
FEES, commissioners to take testimony,	4 504
of judges of probate,	5 504
of executors and administrators,	6 505
of witnesses,	7 505
must be paid or tendered, to compel attendance,	8 505
for state in criminal cases, allowed, how,	9 505
of sheriffs,	10 505
of coroners,	11 507
constables,	12 507
persons performing service of constables,	13 508
notaries public,	14 508
justices of the peace,	15 508
IN JUSTICES' COURTS.	
prevailing party shall recover costs,	16 509
may be taxed without notice,	17 509
not allowed for travel of witnesses unless proved,	18 509
for travel in serving process, allowed, when,	19 509
of only two witnesses to same fact, allowed,	20 509
for copies, not allowed; unless copies were used,	21 509
disbursements not allowed unless items are specified,	22 509
justice may hear evidence in regard to,	23 509
of register of deeds,	24 509
referees,	25 510
appraisers, commissioners and others,	26 510
jurors,	27 510
printer,	28 510
GENERAL PROVISIONS.	
officers to set up table of,	29 511
penalty for neglect to set up table of,	29 511
no officer to take greater fees than allowed by law,	30 511
not to be received unless service actually performed—exception,	31 511
penalty for taking illegal fees,	32 511
of officers rendered in progress of cause, taxable, when,	32 511
prospective costs, when taxable,	34 511
costs allowed on certified copies of papers used on trial,	35 511
attorney in cause, not entitled to fees as witness,	36 511
officer, if required, shall make out particular account of,	37 511
penalty for neglect to make out account of, when required,	37 511
officers performing similar services, to receive same fees,	38 511
witness in criminal cause may have allowance, when,	39 511
to be paid out of county treasury, when,	40 511
witnesses to attend without payment of, in advance, when,	41 511
clerk to certify amount of, when,	42 512
FELONY, resident of another state, voting in this, guilty of,	59 66
<i>person not qualified, voting with unlawful intent, guilty of,</i>	60 67
procuring another to vote in wrong county, guilty of,	62 67
furnishing fraudulent ticket, &c., guilty of,	64 67
fraudulently putting ticket in box before vote is canvassed, guilty of,	70 68
state auditor, or chief clerk, violating duty, guilty of,	22 88
treasurer, not paying over public money, guilty of	31 89
attorney at law convicted of, may be removed or suspended,	18 584
definition of,	2 593
accessory to, before the fact, how punished,	3 593
same, when and where triable,	4 593
after the fact, how punished,	5 593
when and where triable,	6 593
attempt to commit, how punishable,	7 593
persons concerned in committing, considered principals,	10 594
person indicted for, and acquitted of part of charge, how sentenced,	11 594
on trial for, may be acquitted of the felonious intent, and found guilty of an assault,	12 594
convicted of, second time, how punished,	13 594
assault with intent to commit, where punished,	45 600
compounding or concealing, how punished,	20 615
party arrested for, taken where,	7 633
person indicted for, must be personally present at arraignment,	2 648
form of bench warrant to arrest person indicted for,	6 649
person indicted for, may have change of venue,	1 654
FEMALE, marriage of, extinguishes her authority as executrix,	8 368
same, extinguishes her authority as administratrix,	13 371

MINNESOTA STATUTES 1866

786

GENERAL INDEX.

	Sec.	Page.
FEMALE, guardian, marriage of, extinguishes her authority,	26	403
ward, marriage of, terminates the guardianship,	27	403
FEME COVERT. <i>See</i> MARRIED WOMEN,	—	499
FENCES. <i>See</i> PARTITION FENCES,	—	212
sufficiency of, regulated at town meeting,	15	140
owner, to remove, when road is laid out,	54	197
legal, definition of,	29	220
FENCE VIEWERS. <i>See</i> PARTITION FENCES,	—	212
supervisors are fence viewers in each town,	14	140
county commissioners are, in counties not divided into towns,	22	215
<i>See</i> ESTRAYS,	—	216
FICTITIOUS NAME, allowed in action against party whose name is unknown,	8	422
may be inserted in an indictment, when,	5	645
FILLMORE COUNTY, boundaries of,	22	101
included in third judicial district,	20	417
FINE, for failing to deliver election returns,	18	58
failure to perform duties under election laws,	41	63
aiding or procuring person not qualified, to vote,	61	67
attempting to influence votes by threats or bribery,	62	67
imposed for offenses against election laws, how disposed of,	72	69
STATE LIBRARY.		
for allowing books to be removed from state library,	53	91
removing books when not authorized,	54	91
injuring, destroying or losing book,	55	91
to go for use of library,	58	92
COUNTY OFFICERS.		
failure to make settlement by county treasurer,	135	122
officer refusing to execute process,	139	123
refusal to deliver records to successor, by register of deeds,	154	125
recording instrument not properly executed,	161	127
sheriff, neglecting to return process,	171	128
taking illegal fees,	172	128
letting prisoner escape from jail,	175	128
practicing as attorney, or drawing process,	177	129
judge of probate, failing to deliver books, &c., to successor,	190	131
TOWN OFFICERS AND TOWNS.		
town officer entering on duties of his office before taking oath,	42	144
nuisance, owner or occupant neglecting to remove,	54	145
town clerk neglecting to make return,	68	147
treasurer neglecting to perform duties,	81	148
supervisors neglecting to make report concerning guide posts,	94	150
towns, neglecting to designate places for guide posts,	95	150
failing to maintain guide posts,	97	150
HIGHWAYS AND BRIDGES.		
imposed on person not working on highway,	17	192
for not furnishing tools, team, &c.,	18	192
leaving open or injuring gate at entrance of cartway,	57	198
for obstructing public highway,	68	199
goes to town for repair of roads, &c.,	70	199
for driving across bridge faster than a walk,	71	199
COMMON CARRIERS.		
for employment of drunken drivers by common carriers,	4	201
leaving horses unfastened, when,	5	201
PAUPERS.		
bringing paupers into county unlawfully,	18	206
INTOXICATING LIQUORS.		
violating condition of bond of party licensed to sell liquor,	3	208
selling liquor without license,	4	208
neglect of official duty concerning violations of license law,	6	208
furnishing liquor to minor after notice not to do so,	10	208
furnishing liquor to drunkard after notice not to do so,	11	209
second conviction of last two offenses,	12	209
furnishing liquor to Indians,	13	209
PARTITION FENCES.		
neglecting to maintain partition fence,	6	213
neglect of supervisor to view fence,	20	215
ESTRAYS.		
driving away estray,	13	218
taking up estray without complying with provisions of law,	14	218
taking away beasts, distrained, without authority,	39	221

MINNESOTA STATUTES 1866

GENERAL INDEX.

787

FINE,	GAME.	Sec. Page.
for killing elk, deer or fawn, &c., at certain seasons,	-	1 222
woodcock, partridge, &c.,	-	2 222
certain harmless birds,	-	3 222
entering into growing crop, &c.,	-	4 222
catching trout at certain times,	-	5 222
to go one-half to complainant and one-half to common schools,	-	6 222
	WEIGHTS AND MEASURES.	
weights and measures, selling by, not tested and stamped,	-	11 224
not procuring set of,	-	12 225
	NOTARIES PUBLIC.	
notary public acting after term of office expires,	-	6 230
taking illegal fees,	-	11 231
	AUCTIONEERS.	
auctioneer selling without license,	-	5 232
party permitting auctioneer to sell on his premises,	-	6 232
	TOWN PLATS.	
selling lots before plat is made, &c.,	-	9 234
officer or person offending against provisions relating to town plats,	-	10 234
	DAMS AND LOGS.	
neglecting to remove dam after notice,	-	3 243
removing logs or mutilating log-mark,	-	24 247
receiving or purchasing logs so removed or mutilated,	-	25 248
scaling such logs,	-	26 248
injuring side-booms,	-	28 248
	BLANK ROADS AND TURNPIKES.	
toll-gatherer demanding illegal toll,	-	146 290
obstructing or injuring road,	-	151 290
	MARRIAGE.	
failing to execute certificate of marriage,	-	12 407
clerk failing to record certificate,	-	12 407
solemnizing marriage contrary to law,	-	13 407
undertaking to solemnize marriage when not authorized,	-	14 407
	IN JUSTICES' COURTS.	
persons guilty of contempt before justice of the peace,	-	120 437
witness failing to obey subpoena duly served,	-	128 437
persons convicted of assaults, affrays, &c.,	-	157 443
collected by justice, to be paid to county treasurer,	-	165 444
party committed may pay to sheriff,	-	166 444
	WITNESSES.	
witness not obeying subpoena from court of record,	-	4 520
failing to give deposition,	-	31 523
refusing to give deposition in perpetual remembrance,	-	41 525
	MISCELLANEOUS.	
See ACTIONS ON OFFICIAL SECURITIES, &c. Chapter relating to,	-	— 550
court may impose for usurpation of office, franchise, &c.,	-	9 553
for neglect of duty, of public officer, body, board, &c.,	-	11 555
may be imposed for forcible entry and detainer,	-	9 572
for contempt,	-	12 581
of sheriff for neglecting to return calendar of prisoners,	-	11 668
FINES AND FORFEITURES , incurred under chapter relating to elections, paid into		
county treasury for use of common schools,	-	72 69
collected for violations of rules of state library, to be expended for use of library,	-	58 92
recovered under provisions of chapter relating to roads, cartways and bridges, to		
be paid into town treasury, and used in repairing public highways,	-	70 199
under provisions of chapter relating to banks and banking, shall be paid into state		
treasury,	-	43 260
neglecting to procure set of weights and measures, to go to use of county,	-	12 225
not otherwise appropriated, shall be set apart for support of schools,	-	35 365
collected by justice shall be paid to county treasurer,	-	165 444
not specially granted or appropriated by law, shall be paid into the treasury of the		
state,	-	9 551
FIRE DEPARTMENT , may become incorporated,	-	54 273
they shall adopt and sign articles containing what,	-	55 273
effect of filing articles,	-	56 274
no dividends or distribution until dissolution,	-	57 274
corporate powers,	-	58 274
legal process—how served,	-	62 274
members exempt from service on petit juries,	-	3 512
same, from service on grand juries,	-	4 636

MINNESOTA STATUTES 1866

GENERAL INDEX.

	Sec.	Page.
FISH, catching in certain waters, except in modes specified—penalty,	5	222
FLASHBOARDS, willfully injuring, how punished,	41	608
FLOWING LAND. <i>See</i> DAMS AND MILLS.	—	239
FLUMES, willfully injuring, how punished,	41	608
FOLLOWING SECTION, how construed, when used in these statutes,	1	74
FOOD, fraudulently adulterating substance intended for, how punished,	2	624
FORCIBLE ENTRY AND DETAINER, person holding public lands liable to action of damages, in case of,	35	322
FORCIBLE ENTRIES AND UNLAWFUL DETAINERS, chapter relating to,	—	571
forcible entry into lands or tenements forbidden,	1	571
justice of the peace to have jurisdiction,	2	571
complaint made, justice shall issue summons,	3	572
summons, how served,	4	572
proceedings after return of summons,	5	572
summons served by leaving copy, when,	6	572
adjournment of trial, when granted,	7	572
depositions taken and used, when,	8	572
judgment , how entered when defendant found guilty,	9	572
complainant to pay costs, when,	9	573
proceedings when jury cannot agree,	10	573
tenants and others holding over, remedy against,	11	573
restitution not to be made, when,—writ not to issue, when,	12	573
appeal , when and how taken,	13	573
proceedings stayed by,	14	573
certificate of appeal granted, when,—effect of,	15	573
appeal not to be dismissed for want of form,	16	573
amendments may be allowed,	17	573
answer shall contain, what,	18	574
appellate court may compel justice to make or amend return,	19	574
forms allowed, summons, writ of restitution, verdict,	20	574
FORCIBLE EVICTION, judgment in, may be entered for three times the actual dam- ages assessed,	31	542
FORECLOSURE OF MORTGAGES.		
of personal property , by whom and how,	7	327
notice with affidavit of service shall be filed,	8	327
complete in sixty days if no redemption is made,	9	327
of real property , chapter relating to,	—	561
FORECLOSURE BY ADVERTISEMENT.		
conditions precedent to giving notice,	2	562
may be foreclosed for each installment,	3	562
premises, how sold,—proceeds, how applied,	4	562
notice of , how given,	5	563
notice shall specify, what,	6	563
sale , how, when, and by whom made,	7	563
may be adjourned,	8	563
distinct tracts, to be sold separately, &c.,	9	563
who may purchase,	10	563
officer making sale, shall give purchaser certificate,	11	563
effect of certificate as conveyance,	12	563
who may redeem, when and how,	13	564
redemption , how made,	14	564
certificate of, to be given, void, when,	15	564
effect of,	15	564
creditors may redeem when, and in what order,	16	564
interest acquired on sale subject to attachment or judgment,	17	564
surplus on sale, how disposed of,	18	564
evidence of sale , how perpetuated,	19	565
affidavits shall be recorded,—evidence,	20	565
register to note record of,	21	565
effect of record of affidavits and certificate,	22	565
FORECLOSURE BY ACTION.		
only one method of foreclosure in court, allowed,	23	565
action for, how governed,	24	565
service by publication, and judgment taken without security, when,	25	565
judgment , how entered in first instance,	26	565
transcript of to be furnished sheriff,	27	566
who may buy premises,	28	566
court to confirm sale, or order resale,	29	566
clerk to enter satisfaction of judgment, when,	30	566
who may redeem , time and manner of redemption,	31	566

872-143 788
1873-143-144

1873-168

MINNESOTA STATUTES 1866

GENERAL INDEX.

789

	Sec.	Page.
FORECLOSURE OF MORTGAGES , provisions of title one, to apply, - - -	32	566
final decree , when granted, form and effect of, - - -	33	566
surplus on sale, how disposed of, - - -	34	566
to be invested, when, - - -	35	566
action to foreclose installment, dismissed, when, - - -	36	566
proceedings stayed, when, - - -	37	567
whole of premises may be sold, when, - - -	38	567
court may compel delivery of possession by order, - - -	39	567
FOREIGN ADMINISTRATOR , how licensed to sell real estate in this state, - - -	19	392
may prosecute actions in this state, how, - - -	6	546
FOREIGN CORPORATION , service on; how made, - - -	48	456
subject to jurisdiction of courts of this state, when, - - -	56	457
may prosecute in courts of this state, how, - - -	2	542
cannot maintain action, when, - - -	3	542
actions against, how commenced, - - -	4	542
FOREIGN EXECUTOR , how licensed to sell real estate in this state, - - -	19	392
may prosecute actions in this state, how, - - -	6	546
FOREIGN GUARDIAN , how licensed to sell real estate in this state, - - -	29	393
FOREIGN INSURANCE-COMPANY , agency of, shall return amount of gross receipts for taxation, annually, - - -	16	159
must obtain certificate from state treasurer, - - -	117	284
must first make statement which shall show—what, - - -	117	284
statement and agreement to be filed with state treasurer, - - -	117	284
amount of capital requisite, - - -	118	284
certificate issued by state treasurer—when, - - -	118	284
to file statement and be entitled to certificate, when, - - -	119	285
copy of statement filed with state treasurer to be filed with clerk of district court, - - -	120	285
statement to be renewed every year, - - -	121	285
who shall be considered agent of, - - -	122	285
effect of judgment remaining unpaid, against, - - -	123	286
this title not to apply to life insurance companies, - - -	124	286
FOREIGN LAWS , existence, tenor and effect of, may be proved by parol evidence, - - -	53	526
if written, court may require copy of, as evidence, - - -	53	526
FORFEITURE , of lands to state for non-payment of taxes, - - -	124	184
of franchises, by banking association, - - -	44	261
same, by plank road or turnpike company, - - -	153	291
rights of purchaser of public lands, - - -	9	319
redemption from, allowed, when and how, - - -	19	320
of estate, incurred by committing waste, - - -	26	541
judgment of, in such case, who entitled to, - - -	27	541
of franchises by corporation, causes of, - - -	11	543
FORGERY AND COUNTERFEITING , evidence in prosecution for, - - -	90	531
certificates of certain officers admissible in prosecution for, - - -	91	531
of public record, certificate, &c., how punished, - - -	1	610
uttering forged record, deed, &c., how punished, - - -	2	611
of note, certificate, or bill of credit, how punished, - - -	3	611
bank bill, draft, &c., how punished, - - -	4	611
having in possession counterfeit bill, &c., how punished, - - -	5	611
passing counterfeit bill, note, &c., how punished, - - -	6	611
making or having counterfeit tools, &c., how punished, - - -	7	611
fraudulently putting together parts of several bank notes, &c., - - -	8	611
affixing signature to note, &c., how punished, - - -	9	612
indictment for, sufficient, when, - - -	10	612
counterfeiting coin, or having ten pieces in possession, - - -	11	612
having in possession less than ten pieces, &c., how punished, - - -	12	612
manufacturing tools for coining counterfeit money, or having such tools in possession with intent, &c., how punished, - - -	13	612
forms in indictment for, - - -	2	644
mis-description of forged instrument immaterial, when, - - -	15	647
FORMER ACQUITTAL , form of plea of, - - -	3	653
upon the ground of variance, &c., no bar, - - -	8	653
on the merits is a bar, notwithstanding defects in the indictment, - - -	9	653
on indictment for offense of different degrees, effect of, - - -	10	653
FORMS , of notice of election, - - -	4	54
of oath of judges and clerks of election, - - -	6	55
election returns, - - -	14	57
list of electors, - - -	16	57
abstract of votes, - - -	33	61
oath to person challenged, - - -	67	68
contracts, &c., attorney general shall prepare, - - -	41	90
grantor's and grantee's reception book, - - -	155	125

MINNESOTA STATUTES 1866

	Sec.	Page.
FORMS , of coroner's warrant to summon jury, - - - - -	213	134
of oath of coroner's jury, - - - - -	213	134
oath of witness before coroner's jury, - - - - -	217	134
inquisition of coroner's jury, - - - - -	219	135
oath of township assessor, - - - - -	32	164
county auditors shall make out, when, - - - - -	51	170
same, shall furnish, for taking number of acres of wheat, &c., - - - - -	71	173
for returns of county auditors and district clerks, state superintendent shall prepare, - - - - -	43	306
oath of executors, and others making sale of real estate, - - - - -	41	394
in civil actions in justice's courts, - - - - -	129	438
of writs, etc., in criminal proceedings, - - - - -	167	444
oaths, - - - - -	5	515
certificate of justice, to be annexed to deposition, - - - - -	25	522
writ of habeas corpus, - - - - -	25	557
summons, in forcible entry and detainer, - - - - -	20	574
writ of restitution, in forcible entry and detainer, - - - - -	20	574
verdict, in forcible entry, and detainer, - - - - -	20	574
agreement to submit to arbitration, - - - - -	3	586
justice's certificate, on agreement to submit, - - - - -	3	587
affidavit of lien, - - - - -	18	592
bench warrant, upon a presentment, - - - - -	53	640
to be used in indictments, - - - - -	2	642
bench warrant upon an indictment for felony, - - - - -	6	649
same, upon an indictment for misdemeanor, - - - - -	7	649
pleas to indictments, - - - - -	3	653
sentence in criminal cases, - - - - -	5	665
FORNICATION , how punished, - - - - -	5	621
FOURTH OF JULY , notes, &c., maturing on, when payable, - - - - -	3	226
FORWARDING MERCHANT , shall keep record of property consigned, - - - - -	15	218
shall notify owner of reception, - - - - -	16	218
may sell property if not claimed, when, - - - - -	17	218
owner to be notified, - - - - -	18	218
affidavit to be made, and delivered to justice, - - - - -	19	218
embezzling or fraudulently selling property consigned, is guilty of larceny, - - - - -	26	606
making false receipt, &c., how punished, - - - - -	31	607
FRANCHISE , court may restrain corporation from assuming or exercising, when, - - - - -	5	543
of corporation, deemed surrendered, when, - - - - -	11	543
court may enjoin corporation having banking powers from exercising, - - - - -	12	544
FRAUD , instruments in execution of a power, affected by, - - - - -	51	347
gross, at common law, how punished, - - - - -	34	607
FRAUDS , chapter relating to, - - - - -	—	333
as against purchaser, title relating to, - - - - -	—	333
statute of, title relating to, - - - - -	—	334
as against creditors, title relating to, - - - - -	—	335
FRAUDULENT CONTRACTS , no action maintainable on, when, - - - - -	6	334
for sale of goods and things in action, void, when, - - - - -	7	334
auctioneer's memorandum, deemed note of contract, - - - - -	8	334
grant or assignment of existing trust in goods or things in action, void, when, - - - - -	9	334
for lease over one year, or for sale of land, void, when, - - - - -	12	334
contracts may be enforced by court of equity, notwithstanding chapter, - - - - -	13	334
FRAUDULENT CONVEYANCES , of land, as against purchasers, title relating to, - - - - -	—	333
made with intent to defraud purchaser, void, - - - - -	1	333
not fraudulent unless grantee was privy to fraud, - - - - -	2	333
void as against subsequent purchaser, when, - - - - -	3	333
by person to whom revocation has been given, valid, when, - - - - -	4	333
under either of preceding sections, valid, when, - - - - -	5	333
conveyance of land to be in writing, duly executed, - - - - -	10	334
construction of preceding section, - - - - -	11	334
as against creditors , title relating to, - - - - -	—	335
of lands, goods and things in action, in trust, void, - - - - -	14	335
goods and chattels, presumed void; when, - - - - -	15	335
definition of term "creditors," - - - - -	16	335
limitation of two preceding sections, - - - - -	17	335
of lands or interest therein, made with intent to hinder or defraud, void, - - - - -	18	335
rights , et al., of creditors or purchasers, rights of, - - - - -	19	335
fraudulent intent a question of fact, - - - - -	20	335
purchaser without notice, protected, - - - - -	21	335
definition of term "conveyance," - - - - -	22	335
FREEBORN COUNTY , boundaries of, - - - - -	23	101
included in fifth judicial district, - - - - -	22	417

MINNESOTA STATUTES 1866

	Sec. Page.
FREEHOLD , what estates are so denominated, - - - - -	5 349
estate for life so deemed, when,	6 349
of, may be created to commence at a future day, - - - - -	24 350
owner of estate of, may bring action for partition, - - - - -	1 532
FRUIT TREES , punishment for willfully injuring, - - - - -	43 608
FUEL , for one year, exempt from attachment or sale, - - - - -	279 489
FUGITIVES FROM JUSTICE , governor to appoint agents to demand, - - - - -	1 626
prosecuting officer's opinion as to demanding, - - - - -	1 626
demand on-governor, how investigated, - - - - -	2 626
if found, warrant for, - - - - -	3 626
when give recognizance on examination; when committed, - - - - -	4 626
when discharged, recognized anew, delivered over, - - - - -	5 627
complainant against, pay costs and charges of, - - - - -	6 627

G

GAME, PRESERVATION OF , chapter relating to - - - - -	— 222
killing elk, deer or fawn, between January 1st, and August 1st—penalty, - - - - -	1 222
selling green elk, deer or fawn skin, or fresh venison between February 15th, and August 1st—penalty, - - - - -	1 222
182c-79 killing woodcock between Jan. 1st, and July 1st—penalty, - - - - -	2 222
partridge or ruffed grouse between Jan. 1st, and Oct. 1st—penalty, - - - - -	2 222
harmless birds—penalty, - - - - -	3 222
catching trout between Sept. 15th, and April 1st—penalty, - - - - -	5 222
trout at any time save with hook and line, - - - - -	5 222
any fish except in modes specified—penalty, - - - - -	5 222
offenses, how and when prosecuted, - - - - -	6 222
town officers to make complaint, - - - - -	7 223
GAMBLING , provisions relating to, - - - - -	— 619
with cards, dice, &c., prohibited, - - - - -	6 619
at faro or forty-eight, how punished, - - - - -	7 619
betting at gaming table, how punished, - - - - -	8 619
permitting gaming table, faro bank, &c., to be set up, - - - - -	9 619
no one excused from testifying, but testimony not to be used against witness, - - - - -	10 619
finer under this chapter, how recoverable, - - - - -	11 619
money lost may be sued for, in civil action, - - - - -	12 619
notes, mortgages, &c., given to secure money won by gambling, void, when, - - - - -	13 619
GARDEN , willful trespass upon, how punished, - - - - -	45 609
GARNISHMENT , title relating to, - - - - -	— 470
process of, may run into any county, in action before justice, - - - - -	1 421
in what actions garnishment allowed, and how to proceed, - - - - -	147 470
summons , in justice's court, what to contain and how served, - - - - -	148 470
same, in district court, what to contain and how served, - - - - -	149 470
fees , of garnishee, same as witness, - - - - -	149 470
effect of service of summons, - - - - -	150 471
debts or legacies, due from executors et als, subject to garnishment, - - - - -	151 471
corporations , subject to, shall disclose, by what officer, - - - - -	152 471
same, court may cite in person best acquainted with facts, - - - - -	152 471
service of summons on foreign corporation, how made, - - - - -	152 471
not allowed, in what cases, - - - - -	153 471
of money, &c., not due, allowed when, - - - - -	154 471
effects , what shall be deemed, - - - - -	155 471
examination of garnishee , notice to defendant, - - - - -	156 471
notice to defendant dispensed with, when, - - - - -	156 471
claimant , may appear and be joined as party, - - - - -	157 472
proceedings when garnishee denies indebtedness, or there is dispute as to title of property, - - - - -	158 472
limitation of section to district courts, - - - - -	158 472
default of garnishee , effect of—may be removed, - - - - -	159 472
garnishee discharged, when, - - - - -	160 473
judgment against garnishee, rendered when, - - - - -	160 473
same, by what officer ordered, - - - - -	161 473
disclosure , who may take, - - - - -	162 473
same, fees for taking, - - - - -	163 473
garnishee shall deliver "effects," if held chargeable, - - - - -	164 473
court may determine value of property, make orders, &c., - - - - -	165 473

MINNESOTA STATUTES 1866

792

GENERAL INDEX.

	Sec.	Page
GARNISHMENT , mortgaged property in hands of garnishee, how reached,	166	473
contempt , garnishee liable for, when,	167	473
garnishee may sell property mortgaged, when,	168	474
same, not liable for destruction of property, when,	169	474
amount of judgment , what shall be,	170	474
garnishee may disclose before return day, by consent,	171	474
same, plaintiff not consenting, how to proceed,	172	474
costs and expenses , allowed when,	173	474
same deducted out of sum due, when,	174	474
in case of specific articles, to be paid before delivery,	175	474
of plaintiff, how limited,	176	474
judgment against defendant to be what, to warrant judgment against garnishee,	177	474
effect of judgment against garnishee,	178	475
discharge of garnishee, no bar to action by defendant or others,	179	475
appeal , may be taken by aggrieved party,	180	475
GATES , may be erected at entrance of cartway,	57	198
penalty for opening and failing to close,	57	198
toll , plank road company may erect, when and where,	133	288
turnpike company erect, when and where,	134	288
location of, may be changed by county commissioners, when,	136	288
may be ordered to be kept open,	139	289
not to be opened till, when,		
penalty for not obeying order to keep open,	143	290
willfully injuring, how punished,	151	290
penalty for willfully running or passing,	152	291
GENERAL LAW , not to take effect until published,	2	75
GENERAL PARTNER . See LIMITED PARTNERSHIP ,	—	236
GENERAL STATUTES , chapter relating to,	—	676
these statutes so designated,	1	676
shall take effect when,	2	676
repeal not to revive former laws,	3	676
not to affect acts done, rights accrued, &c.,	4	676
penalties and forfeitures, except, &c.,	5	676
actions pending,	6	676
period of limitation to continue to run,	7	676
tenure of office preserved,	8	676
to be construed as continuation of former laws,	9	676
act relating to service of mense process on foreign corporations, to be published with,	2	494
GIFTS , when deemed to have been made in advancement,	8	355
GIRDLING TREES , wantonly or willfully, how punished,	43	608
GLOSSARY of foreign and technical words used in these statutes,	—	697
GOODHUE COUNTY , boundaries of,	24	101
included in first judicial district,	18	447
GOVERNOR , shall make proclamation when change of county lines is adopted,	21	59
assist in opening returns,	23	59
give certificate of election, when,	23	59
deliver to electors certificate of all the names of the electors,	25	59
decide by lot who are elected in case of tie,	26	60
notify elector chosen to fill vacancy,	29	60
issue proclamation for special election, when,	34	62
deliver certificate to person elected U. S. senator, with written notice,	21	73
appoint U. S. senator, when,	24	74
entitled to one hundred copies of message printed, for his own use,	29	82
shall deliver reports made to him, to commissioners of printing, &c.,	40	84
is legal custodian of state property,	1	85
thanksgiving , shall appoint day of,	2	86
shall convene extra session by proclamation,	3	86
state reasons for extra session to legislature,	3	86
appoint private secretary,	4	86
produce letter books when requested,	4	86
provide new seal of state, when,	5	86
appoint janitor of capitol,	6	86
librarian with consent of senate,	47	90
assist in framing rules for state library,	56	91
require librarian to report,	57	91
assist in directing expenditure of library fund,	58	92
salary , twenty-five hundred dollars per annum,	1	93
shall appoint county commissioners, when,	87	115

MINNESOTA STATUTES 1866

	Sec. Page.
GOVERNOR , shall remove certain officers, when and how, - - - - -	3 137
fill vacancy occurring during recess of legislature, when, - - - - -	4 138
may appoint notaries public, with consent of senate, - - - - -	1 229
shall require and approve bond of notary, - - - - -	2 229
approve bond of reporter of supreme court, - - - - -	1 231
dies and plates of closed banks to be destroyed in presence of, - - - - -	37 260
shall approve of sureties of state auditor, - - - - -	40 260
may call upon attorney general to examine into affairs of corporations, when, -	172 293
shall certify to erection of buildings of agricultural college, and obtain perfect title to land donated, - - - - -	16 296
is one of the board of the Minnesota deaf and dumb and blind institute, - - - - -	18 296
shall appoint five members of board of Minnesota deaf and dumb and blind institute—how, - - - - -	18 296
shall issue certificate of payment under seal of state land office, and give patents, warrant of execution, when, - - - - -	2 597
may appoint agents to demand fugitives from justice, - - - - -	1 626
require opinion of attorney general, - - - - -	1 626
shall issue warrant for fugitive, when, - - - - -	2 626
in capital cases, - - - - -	3 664
may delay or forbear to issue warrant, when, - - - - -	10 665
grant pardons on condition, &c.—issue warrant, - - - - -	1 666
GRACE , on bills of exchange, promissory notes, &c., - - - - -	10 227
not allowed on notes &c., on demand, - - - - -	11 227
GRANDCHILDREN , in what order called on to support pauper grandparents, - - - - -	2 202
GRAND DUPLICATE , county auditor shall deliver to county treasurer, when, - - - - -	55 171
GRAND JURORS , county commissioners to select, - - - - -	98 117
separate list of, to be made out, certified, and delivered to clerk of district court, list of, not made out in January, may be made when, - - - - -	98 117
shall be selected from persons properly qualified and not exempt, - - - - -	99 117
GRAND JURY , oath of, - - - - -	100 117
oath of office attending, - - - - -	5 515
chapter relating to, - - - - -	5 516
is a body of men not less than sixteen nor more than twenty-three, - - - - -	— 636
shall be drawn for each term of district court, - - - - -	1 636
all qualified electors liable to serve unless in excepted classes, - - - - -	2 636
exempt persons , who are; disqualified, who are, - - - - -	3 636
clerk shall prepare names for drawing, how, - - - - -	4 636
at what time names shall be drawn, - - - - -	5 637
clerk shall issue venire, when, - - - - -	6 637
summoning , shall be done, when, - - - - -	7 637
neglecting to attend, penalty, - - - - -	8 637
deficiency of, how supplied, - - - - -	9 637
persons summoned to supply deficiency, bound to attend, - - - - -	10 637
number necessary to do business, or be sworn, - - - - -	11 637
challenge , to panel or individual juror, who may take, - - - - -	12 637
same, to panel, causes of, - - - - -	13 637
to individual juror, causes of, - - - - -	14 637
trial by court, when, - - - - -	15 637
decision to be entered in minutes, - - - - -	16 638
to panel, allowed, effect of, - - - - -	17 638
to individual juror, allowed, effect of, - - - - -	18 638
contempt , if juror acts after challenge is allowed, - - - - -	19 638
foreman of, shall be appointed by court, - - - - -	20 638
shall be sworn according to law, - - - - -	21 638
charge , court shall give, reading certain sections, - - - - -	22 638
shall retire and inquire into offenses, - - - - -	23 638
shall appoint clerk, who shall keep minutes, - - - - -	24 638
be discharged, when, - - - - -	25 638
power and duty of, as to public offenses, - - - - -	26 638
shall find indictment, when—presentment, when, - - - - -	27 638
indictment defined, - - - - -	28 638
presentment defined, - - - - -	29 639
foreman may administer oath to witness, - - - - -	30 639
evidence , what can be received, - - - - -	21 639
same, hearsay or secondary, receivable, when, - - - - -	32 639
for defendant, not bound to hear, - - - - -	33 639
indictment , should be found, when, - - - - -	34 639
member of, shall become complainant, when, - - - - -	35 639
shall inquire into what matters, - - - - -	36 639
have access to public prisons and records, - - - - -	37 639
	38 639

MINNESOTA STATUTES 1866

794

GENERAL INDEX.

	Sec. Page.
GRAND JURY , may ask advice of court or county attorney,	39 639
each member of, shall observe secrecy,	40 639
member may be required to disclose testimony, when,	41 639
no member of, to be questioned as to his official action,	42 640
presentment , can only be found, when,	43 640
same, shall be presented to court and filed,	44 640
depositions , in case of presentment, shall be filed with court,	45 640
same, who may inspect them,	46 640
violation of last section, how punished,	47 640
defendant may have copy of,	48 640
officers not to disclose that presentment or indictment has been found,	49 640
violation of last section, how punished,	50 640
bench warrant , court may order to issue,	51 640
same, clerk may issue, on application of county attorney,	52 640
form of, upon a presentment,	53 640
may be served, when and how,	54 641
arrest on, proceedings,	55 641
clerk to furnish magistrate with copy of presentment and depositions,	56 641
indictment , found when, and how indorsed,	57 641
same, not found, charge shall be dismissed,	58 641
names of witnesses to be noted on,	59 641
when found, to be presented to court and filed,	60 641
GRANDPARENTS , in what order liable for support of pauper grandchildren,	2 202
GRANT , of lands, not void because lands are in actual possession of another,	6 329
existing trust in goods, &c., must be in writing,	9 334
of a power can only be created by will, when,	42 346
deemed an advancement, when,	8 355
GRANTEE , may prove execution of deed, when,	13 329
of a power, used as designating, what,	61 348
GRANTOR , refusing to acknowledge deed, may be summoned before justice,	13 329
proceedings before justice to compel,	14 329
if subscribing witnesses are dead or absent, deed how proved,	15 330
copy of deed may be filed—effect of,	18 330
shall make known existence of incumbrance,	34 332
liable to an action of contract, when,	35 332
of a power, used as designating, what,	61 348
GRASS , right to cut, on school lands, commissioner of land office may sell,	52 324
growing, how levied on,	283 490
willfully entering on lands with intent to cut, how punished,	45 609
GRAVESTONES , willfully destroying, injuring or removing, is a misdemeanor,	108 282
GROSS FRAUDS OR CHEATS , at common law, how punished,	34 607
GUARDIAN , shall list for taxation property of ward,	4 155
shall pay taxes on lands of ward, when,	104 181
refusing to pay tax is liable to action,	106 181
paying tax, allowed compensation,	109 181
may vote as stockholder,	164 292
not personally liable as stockholder,	165 292
bond of, prosecuted when,	5 384
may prosecute claims to damages accruing to ward,	10 385
shall be appointed for minors and insane persons, when,	14 387
licensed to sell real estate of ward, when,	20 392
whole estate sold, when,	21 392
sale of real estate for support of ward, when,	22 392
proceeds of sale, how applied or invested,	23 392
investment, how made,	24 392
petition for sale, to show what,	25 392
notice of hearing to be given,	26 392
proceedings on hearing,	27 393
license to sell granted, when,	28 393
foreign , licensed to sell, when,	29 393
condition of granting license,	30 393
notice of petition, on whom to be served,	31 393
how published and served,	32 393
and ward , chapter relating to,	— 399
of minors, judge of probate may appoint,	1 399
powers of,	5 400
testamentary , may be appointed,	6 400
shall give bond, exception;	7 400
of insane persons, probate court may appoint,	8 400
spendthrift, probate court may appoint,	9 400

868-106

1869-75-

		Sec	Page
<i>Dakeland 1873-176-177</i>			
GUARDIAN, power of guardian of insane person and spendthrift,		12	401
of persons out of the state, appointed, when,		13	401
powers of guardian of persons out of the state,		14	401
guardian shall give bond,		15	401
first appointed, powers of,		16	401
bond shall be given, how conditioned,		17	401
shall account for and dispose of personal estate of ward,		18	401
pay debts, settle accounts, compound claims, &c.,		19	402
general powers and duties,		20	402
may make partition of real estate of ward, when,		21	402
education of ward may be defrayed out of his own estate, when,		22	402
may sell and transfer stock and personal estate, when,		23	402
when ward moves out of state, guardian may pay over property,		24	402
may be removed, when,		25	402
marriage of female guardian, extinguishes her authority,		26	403
of female ward, terminates guardianship,		27	403
shall give new bond, when,		28	403
suspected of embezzlement, may be cited before judge of probate,		29	403
expenses and compensation of guardians,		30	403
may bind ward, apprentice, when,		2	404
bring action against master,		12	405
ad litem of infant party must be appointed,		30	453
how appointed,		31	453
service of summons shall be made on,		48	456
ad litem responsible for costs,		10	496
shall not purchase ward's property,		32	536
receive proceeds of sale of ward's real estate,		42	537
of insane person, may receive share of proceeds of sale on partition,		43	537
may consent to partition of ward's real estate, without action,		44	537
GUIDE POSTS shall be erected and maintained,		93	150
towns to determine places where they shall be erected,		95	150
how constructed,		96	150

H

HABEAS CORPUS, writ of, who may prosecute,		20	556
who not entitled to prosecute,		21	556
application for, how and when made,		22	557
proof required in certain cases,		23	557
petition shall state what,		24	557
form of,		25	557
shall not be disobeyed for defect of form,		26	557
penalty for refusal to grant,		27	558
return to, shall contain what,		28	558
body of person in custody to be produced,—exception,		29	558
penalty for disobedience to,		30	558
attachment against sheriff shall issue, when,		31	558
precept to sheriff,		32	558
proceedings after return of,		33	559
party discharged, when,		34	559
party remanded , when,		35	559
prisoner held under process of court, when discharged,		36	559
legality of judgment, &c., cannot be questioned on return,		37	559
prisoner held on commitment may be remanded or held to bail,		38	559
proceedings in other cases,		39	559
custody of party before judgment,		40	559
notice to county attorney and party interested,		41	560
return may be put in issue, or new matter alleged,		42	560
proceedings in case of sickness of party,		43	560
obedience to order of discharge, how enforced,		44	560
person discharged may be arrested again, when,		45	560
penalty for transfer and concealment of person,		46	560
for refusing copy of order, &c.,		47	560
when returnable, to be under seal of court,		48	560
by whom served, &c.,		49	561
bond may be required on,		49	561
how served,		50	561

MINNESOTA STATUTES 1866

796

GENERAL INDEX.

		Sec. Page.
HABEAS CORPUS, writ of, how served, if person conceals himself,	51	561
return to be made, when,	52	561
court may issue, to bring up prisoner to testify,	53	561
HANGING, mode of inflicting punishment of death,	11	665
HALF BLOOD, kindred of, inherit equally with those of the whole blood,	4	354
HEIRS, what deemed an advancement to,	5	347
how construed in case of certain remainders,	22	350
of tenant for life, take as purchasers, when,	28	351
posthumous , take future estate, when,	30	351
same, birth of, defeats future estate, when,	31	351
who shall be, of intestate property,	1	353
illegitimate children considered as, when,	2	354
liable to contribute, when,	31	359
not objecting, widow may occupy lands of deceased, without assignment of dower,	12	361
damages in action against, how estimated,	25	363
not liable for use of permanent improvements,	26	363
liable to widow for alienating dower land,	27	363
not prejudiced by collusive recovery of dower,	29	363
may be examined as to correctness of account of executor or administrator,	10	383
bring action on bond of executor or administrator, when,	3	384
under seven years of age, to have allowance,	1	385
real estate sold to maintain, when,	2	386
<i>See ACTIONS BY OR AGAINST EXECUTORS, ADMINISTRATORS AND HEIRS,</i>	—	545
HENNEPIN COUNTY, boundaries of,	25	101
included in fourth judicial district,	21	417
HIGHWAYS. <i>See ROADS, CARTWAYS AND BRIDGES,</i>	—	190
cutting or injuring trees, &c., in, penalty,	28	541
if trespass was casual, penalty how modified,	29	541
HOMESTEAD EXEMPTIONS, chapter relating to,	—	498
quantity of land exempt,	1	498
to be occupied by owner, or widow or minor child,	1	498
not to extend to mortgage,	2	498
to be selected in case of levy,	3	498
plaintiff in execution may have survey made,	4	498
after survey, property not set off may be sold,	5	498
dwelling house exempt, when,	6	498
no exemption from taxes,	7	499
removal of owner or sale does not subject to levy,	1	499
judgment not a lien on homestead,	1	499
HOMICIDE, when justifiable or excusable,	3	597
committed by public officers, justifiable, when,	4	597
by any person, justifiable, when,	5	598
is excusable, when,	6	598
when justifiable or excusable, jury shall render verdict of not guilty,	7	598
HOURS OF LABOR, chapter relating to,	—	228
of women and children in factories,	1	228
fixed at ten, in absence of contract,	2	228
HOUSEHOLD FURNITURE, what exempt from attachment or sale,	279	489
HOUSE OF ILL-FAME, punishment for keeping,	9	621
lease of, void, at option of lessor,	10	621
HOUSE OF REPRESENTATIVES, composed of forty-seven members,	1	70
shall elect officers,	7	72
may punish contempts,	11	72
person in contempt, where confined,	12	72
may compel attendance of members,	13	72
shall receive pay for what number of days,	14	72
compensation of members and officers, how certified,	15	73
HOUSTON COUNTY, boundaries of	26	102
included in third judicial district,	20	417
HUSBAND, to list property of wife for taxation,	4	155
tenant by the curtesy, when,	30	363
shall not be guardian in right of wife,	26	403
absence of, effect on second marriage of wife,	1	408
may bring action to annul marriage, when,	3	409
obtain decree of divorce for what causes,	6	409
cannot obtain divorce for adultery, when,	9	409
may be compelled to furnish wife money in action for divorce,	15	409
prohibited from imposing restraint on wife, when,	16	409
ordered to restore wife's personal property, when,	21	411

1868-97

872-106

1868-98

MINNESOTA STATUTES 1866

GENERAL INDEX.

797

	Sec. Page.
HUSBAND , decreed to pay alimony, when,	23 411
required to give security for payment of alimony, &c.,	26 412
after being divorced, cohabiting with, divorced wife is liable to penalties against adultery,	28 412
shall join with wife in actions, when,	29 453
deserting his family, wife may prosecute or defend actions in his name,	34 454
may make ante-nuptial contract yielding his right to control disposition of wife's real estate after marriage,	1 499
may convey any property directly to wife, without intervention of any trustee,	2 500
HUSBAND AND WIFE , may convey real estate by their joint deed,	2 328
may convey real estate by their duly authorized agent or attorney,	2 328
wife not bound by any covenant contained in such joint deed,	2 328
minority of wife does not affect validity of deed,	2 328
wife may bring action for divorce in her own name,	10 410
join with husband in alienation of homestead,	2 498
rights of husband in property of deceased wife,	4 500
cannot be examined as witness for or against each other, without consent—exceptions,	10 520
1869-109 I	
IDIOT , included in term "insane person,"	1 74
property of, listed for taxation by father or guardian,	4 155
what relatives liable for support of,	1 202
penalty for illegally bringing pauper into county,	18 206
payment of damages for right of way, how and when made,	21 266
same, in case of plank roads and turnpikes,	126 286
See SALE AND CONVEYANCES OF REAL ESTATE BELONGING TO LUNATICS ,	— 396
probate court may appoint guardian of,	8 400
marriage of, not adjudged a nullity at suit of party capable of contracting,	5 409
ILLEGITIMATE CHILDREN , considered heirs, when,	2 354
estate of, shall descend, how,	3 354
become legitimized by subsequent marriage of parents,	17 408
IMPLEMENTS , of professional men, exempt from attachment or sale,	279 489
for forging or counterfeiting, making or having in possession, how punished,	7 611
of gambling, keeping,	7 619
IMPOUNDING , of beasts doing damage in night time,	33 220
IMPRISONMENT , of adjudged father of bastard, how relieved from,	8 211
relief from unlawful, may be obtained by habeas corpus,	20 556
for violation of game laws, shall not exceed three months,	7 222
secret, willful or malicious, of any person, how punished,	42 601
offense in such case, triable, where,	43 601
IMPROVEMENTS , assessor to appraise annually for purposes of taxation,	31 164
permanent use of, not to be estimated in action against heirs,	26 363
same, value of, may be set off in action to recover real property,	7 539
such as buildings, fences, &c., may be removed, when,	8 539
INCEST , how punished,	12 622
INDENTURE . See MASTERS, APPRENTICES AND SERVANTS ,	— 403
INDIANS , furnishing liquor to, prohibited,	13 209
may be witnesses on prosecution in such cases,	13 209
chapter concerning;	— 228
subject to state laws, when,	1 228
shall not leave reservation without passport,	2 229
may be removed from lands, &c., if found without passport,	3 229
INDEPENDENT SCHOOL DISTRICTS , how organized,	54 308
notice of meeting to form organization, how given,	55 308
meeting, how conducted,	56 308
rectors , how chosen, term of office,	57 309
shall take and file oath,	57 309
are body corporate styled "board of education,"—powers and duties,	58 309
board of education shall organize, how,	59 309
compensation of clerk and treasurer,	60 309
four members constitute quorum,	61 309
vacancy , how filled,	62 309
duties of superintendent,	63 309
president and clerk to file acceptance of office,	64 310
shall make report, which shall show, what,	65 316
record of board, or transcript thereof, evidence of facts therein stated,	66 310
1873-109	

~~1864-20~~
~~1872-66~~
~~1871-69-70~~

	Sec. Page.
INDEPENDENT SCHOOL DISTRICTS , treasurer to give bond, - - - - -	67 310
board may hold meetings, when and where, - - - - -	68 311
meeting to consider the purchase or erection of school-house, how called and conducted, - - - - -	69 311
board of education shall have what power, - - - - -	70 311
shall maintain schools each year, how long, - - - - -	71 311
send each year account of tax to county auditor, - - - - -	71 311
keep record of proceedings, and make report of receipts and expenditures, - - - - -	71 312
admission to schools, gratuitous, - - - - -	72 312
board of education to appoint school examiners—powers and duties of examiners, - - - - -	73 313
taxes , how levied and collected, - - - - -	74 313
effect of adoption of this title, - - - - -	75 313
this title not affected by subsequent act, unless specially mentioned, - - - - -	76 313
INDICTMENT , fines and forfeitures may be recovered by, - - - - -	10 551
against several defendants, any one or more may be convicted or acquitted, - - - - -	9 594
defendant may be acquitted of part of offense charged—proceedings in such case, - - - - -	11 594
jury may convict of assault when they do not find felonious intent, - - - - -	12 594
second, acquittal, a bar to, when, - - - - -	5 595
variance between, and proof, effect of, - - - - -	6 595
not found at next term, effect of, - - - - -	7 595
dismissal, if defendant is not brought to trial, when, - - - - -	8 595
may be continued from term to term, - - - - -	9 595
for murder may include offense of concealing death of bastard child, - - - - -	8 621
definition of, - - - - -	29 639
grand jury should find, when, - - - - -	35 639
can only be found, when—how indorsed, - - - - -	57 641
names of witnesses to be noted on, - - - - -	59 641
when found, shall be presented to the court, filed and remain a public record; - - - - -	60 641
chapter relating to, - - - - -	641
first pleading on part of state, and shall contain what, - - - - -	1 641
general form of, - - - - -	2 642
form of for murder, - - - - -	2 642
for arson, - - - - -	2 642
for manslaughter in first degree, - - - - -	2 643
for same, in second degree, - - - - -	2 643
for same, in third degree, - - - - -	2 643
for same, in fourth degree, - - - - -	2 643
for rape, - - - - -	2 643
for robbery, - - - - -	2 643
for larceny, - - - - -	2 644
for burglary, - - - - -	2 644
for forgery and counterfeiting, - - - - -	2 644
for perjury, - - - - -	2 645
for bigamy, - - - - -	2 645
for libel, - - - - -	2 645
stating offense as in foregoing forms, sufficient, - - - - -	3 645
shall be direct and certain in what respects, - - - - -	4 645
may be amended by inserting defendant's true name, - - - - -	5 645
contain different counts, when, - - - - -	6 646
time , how stated in, - - - - -	7 646
erroneous allegation in, as to person injured, not material, when, - - - - -	8 646
words in, how construed, - - - - -	9 646
sufficient, when it contains, what, - - - - -	10 646
formal defects in, disregarded, - - - - -	11 646
judgment, how set forth in, - - - - -	12 646
private statute, how set forth, - - - - -	13 646
for libel, need not set forth extrinsic facts, - - - - -	14 646
mis-description of forged instrument, immaterial, when, - - - - -	15 647
for perjury, sufficient, when, - - - - -	16 647
will lie against person guilty of compounding offense, when, - - - - -	17 647
found within what time, - - - - -	18 647
for offense committed on board vessel, found in what county, - - - - -	19 647
offenses committed on boundary lines between counties, found where, - - - - -	20 647
found either in county where death ensues, or in that where mortal injury was inflicted, - - - - -	21 647
same, when injury was inflicted without the state, - - - - -	22 647
for embezzlement, sufficient, when, - - - - -	23 647
evidence to sustain, in such case, - - - - -	23 647

MINNESOTA STATUTES 1866

GENERAL INDEX.

799

	Sec. Page.
INDICTMENT , for offense relating to real estate, larceny, receiving stolen goods, &c.,	24 648
what proof sufficient, - - - - -	— 650
setting aside , chapter relating to, - - - - -	1 650
shall be set aside on motion of defendant, in what cases, - - - - -	2 650
objections to, waived, when, - - - - -	3 650
motion to set aside heard, when, - - - - -	4 650
same, denied, defendant shall demur or plead, - - - - -	5 650
granted, how to proceed, - - - - -	6 651
effect of re-submission of case, - - - - -	7 651
proceedings, if new indictment is not found, - - - - -	8 651
order setting aside, no bar to another prosecution for same offense, - - - - -	1 651
pleading to, demurrer or plea only, - - - - -	2 651
shall be put in in open court, - - - - -	3 651
demurrer to, allowed for what causes, - - - - -	4 652
same, ground of objection to be specified, - - - - -	7 652
if allowed, is final, when, - - - - -	7 652
amendment to, may be allowed, - - - - -	10 652
plea shall be put in, when, - - - - -	11 652
what objections to, waived by not demurring, - - - - -	1 653
three kinds of pleas to, - - - - -	6 653
effect of plea of not guilty, - - - - -	11 653
plea of not guilty entered if defendant refuses to answer or demur, - - - - -	3 655
for misdemeanor, trial in absence of defendant, - - - - -	6 655
of two or more defendants, separate trial had, when, - - - - -	11 656
questions arising on, by whom decided, - - - - -	18 656
for offense consisting of different degrees, what verdict allowed, - - - - -	24 657
dismissal of, ordered, when, - - - - -	24 657
same, reasons to be entered in order, and on minutes, - - - - -	4 226
INDORSERS , of notes on-demand, chargeable, when, - - - - -	5 227
on promissory notes , when and in what manner liable, - - - - -	35 454
same, may be sued with maker, - - - - -	8 520
when examined as witnesses in action, adverse party may also testify, - - - - -	16 424
INFANT, in justice's court , shall bring action by next friend, who shall be responsible for costs, - - - - -	17 424
shall defend action before justice by guardian, who shall not be liable for costs, - - - - -	30 453
in district court , shall appear by guardian appointed by the court, - - - - -	48 456
summons, how served on, - - - - -	9 520
not competent as witness, when, - - - - -	14 521
court may examine as to capacity to testify, - - - - -	58 145
INFECTED PERSON , how removed, - - - - -	59 146
proceedings when such person cannot be removed, - - - - -	60 146
may be placed in hospital, when, - - - - -	5 349
INHERITANCE , estate of, what denominated, - - - - -	1 353
by descent, how regulated, - - - - -	2 354
illegitimate child, - - - - -	3 354
mother of illegitimate child, - - - - -	4 354
kindred of the half blood, - - - - -	12 355
right of representation, defined, - - - - -	— 475
INJUNCTION , title relating to, - - - - -	21 452
allowance of, how affects right to commence action, - - - - -	181 475
writ of, how and by whom issued, - - - - -	182 475
temporary, granted to restrain what acts, - - - - -	183 475
at what time and upon what showing, - - - - -	183 475
copy of affidavit must be served with injunction, - - - - -	184 475
allowed after answer, when—defendant restrained pending decision, - - - - -	185 475
bond required in sum not less than two hundred and fifty dollars, - - - - -	185 475
damages, how ascertained, - - - - -	186 476
sale of real estate , upon execution or foreclosure by advertisement, enjoined, - - - - -	186 476
how, - - - - -	187 476
in other cases court may allow hearing before issuing writ, - - - - -	187 476
dissolution of, may be applied for, how, - - - - -	188 476
application on affidavits may be opposed by affidavits, - - - - -	5 543
corporation may be restrained by, - - - - -	6 543
may issue before answer, when, - - - - -	12 544
banking corporation may be restrained by, - - - - -	13 544
in what manner issued, - - - - -	12 553
may issue against a corporation after judgment, - - - - -	4 624
INOCULATION with small-pox to cause disease to prevail, how punished, - - - - -	219 135
INQUISITION , by coroner's jury, form of, - - - - -	222 136
expenses of, borne by county, - - - - -	

1873-119

	Sec.	Page.
	1	74
INSANE PERSONS, term includes what,	4	155
1869-20 property of, by whom listed for taxation,	130	185
lands of, when redeemed from sale for taxes,	1	202
1868 what relatives liable for support of,	18	206
1872, 66-70 penalty for illegally bringing into county,	21	265
1873-243 payment of damages for right of way, how and when made,	126	286
same, in case of plank roads and turnpikes,	—	396
See SALE AND CONVEYANCE OF REAL ESTATE BELONGING TO LUNATICS,	8	400
probate court may appoint guardian of,	9	400
guardian of, how appointed,	5	409
marriage of, voidable, on whose application,	9	520
persons of unsound mind and intoxicated, not competent as witnesses,	43	537
guardian of, may receive proceeds of sale of property,	44	537
may consent to partition of real property,	22	657
INSANITY, acquitted on ground of, verdict shall so state,	17	238
INSOLVENT, partnership, fraudulent sales by, void, as to creditors,	18	228
partner, fraudulent sales by, void as to creditors of partnership,	32	359
person, liable to contribution as heir, &c., his share, how paid,	34	379
estate, debts paid in what order,	36	379
court may make order for payment from assets of,	43	380
proportion of assets retained to pay contingent claims,	19	497
plaintiff, may be required to give security for costs,	11	543
corporation adjudged dissolved, when,	12	544
having banking powers, enjoined, when,	—	670
INSPECTORS, of state prison. See STATE PRISON,	17	296
INSTITUTE FOR THE DEAF, DUMB AND BLIND, where located,	18	296
how controlled,	18	296
who shall compose board of directors, their term of office,	19	297
board shall annually elect officers,	20	297
powers of directors,	21	297
treasurer's duties and compensation,	22	297
compensation of directors,	23	297
treasurer to give bond,	24	297
money, how drawn,	25	297
persons entitled to instruction, and on what terms,	26	297
board of directors to make report,	—	284
INSURANCE COMPANIES. See FOREIGN INSURANCE COMPANIES,	53	273
mutual, powers of,—capital stock,	53	273
certain provisions relating to foreign insurance companies to apply,	53	273
exception in favor of domestic companies,	53	273
INTEREST OF MONEY, twelve per cent. by contract—seven per cent. the legal rate in absence of contract,	1	226
872-17 bank rate of,	33	259
68-39 INTERMENTS, record of, shall be kept, by whom,	98	281
869-56 summary of, to be furnished to whom, by actuary of cemetery association,	99	281
restrictions on,	110	282
INTERPLEADING, title relating to,	—	464
parties compelled to interplead, when,	111	464
INTERPRETER, oath of,	5	517
INVENTORY AND COLLECTION OF EFFECTS OF DECEASED PERSONS.		
executor or administrator to make,	1	372
appraisers to be appointed and sworn,	2	372
appraisal, how made and certified,	3	372
property allowed widow to be inventoried and appraised separately,	4	372
estate, how chargeable with debts,	5	373
rights of executor or administrator on estate,	6	373
proceedings on complaint for embezzlement,	7	373
person cited refusing to appear, may be committed,	8	373
proceedings to compel account,	9	373
executor may compound with debtor, when,	10	373
interest in mortgaged premises to be considered personal assets,	11	373
proceedings on redemption or sale of mortgaged premises,	12	374
real estate purchased by executor, how sold,	13	374
disposition of, if not sold,	14	374
action to recover lands, when brought, &c.,	15	374
when executor is bound to commence,	16	374
estate recovered, how disposed of,	17	374
INTOXICATING LIQUORS, may be sold when and by whom,	1	207
sold in less quantities than five gallons without license,—penalty,	4	208
not to be sold to minors after notice given,	10	208

MINNESOTA STATUTES 1866

GENERAL INDEX.

801

	Sec. Page.
INTOXICATING LIQUORS, not to be sold to habitual drunkards after notice given,	11 209
not to be sold to Indians,	13 209
ISANTI COUNTY, boundaries of,	27 102
included in fourth judicial district,	21 417
attached to Anoka county for judicial purposes,	33 419
ISSUE, as applied to descent of estates, includes what,	1 74
what shall be, in trial of bastardy cases,	6 211
meaning of, in certain remainders,	22 350
when future estate is limited to, posthumous children are entitled to take,	30 351
future estate limited to, defeated by birth of child,	31 351
take by inheritance, how,	1 353
ISSUES, title relating to,	— 477
arise upon pleadings, and are of two kinds,	193 477
of law, arise on demurrer to complaint, answer or reply,	194 478
of fact, when,	195 478
judicial examination of, is a trial,	196 478
of law, shall be tried by court or referees,	197 478
of fact, by a jury, unless jury trial is waived,	198 478
in other cases, by the court,	199 478
note of, to be filed with clerk eight days before term,	200 478
entered on calendar according to date,	200 478
on calendar, disposed of in what order,	201 478
may be brought to trial by either party,	202 478
trial of, postponed, when,	204 478
in criminal cases , chapter relating to,	— 655
of fact, arises when,	1 655
same, tried by jury of county where indictment is found,	2 655
of law, to be decided by court,—of fact, by jury,	11 655
ITASCA COUNTY, boundaries of,	28 102
included in seventh judicial district,	24 417
attached to Saint Louis county for judicial purposes,	33 419

J

JACKSON COUNTY, boundaries of,	29 102
included in sixth judicial district,	23 417
attached to Martin county for judicial purposes,	33 419
JAIL. See JAILS AND PRISONS,	— 666
JAILOR, shall receive person committed by legislature,	12 72
shall receive and safely keep all persons legally committed to jail,	175 128
if there is no jail, shall employ such means to keep prisoners as he deems necessary,	175 128
entitled to one week's board of prisoner in advance, when,	6 627
general duties of, see JAILS AND PRISONS,	— 666
JAILS AND PRISONS, when no jail in county, sentence may be executed in any county	9 665
in state,	9 665
COUNTY JAILS.	
jail shall be maintained in each county,	1 667
sheriff keeper of—duties,	2 667
when none in county, prisoner shall be kept, where,	3 667
may be used for keeping fugitive from justice,	4 667
duties and liabilities of sheriff and jailors as to U. S. prisoners,	5 668
United States liable to pay for keeping prisoners,	6 668
prisoners, how to be treated,	7 668
shall be kept, how—food of prisoners,	8 668
prisoners desiring it shall have bible,	9 668
sheriff shall keep calendar of prisoners, to contain what,	10 668
return copy of calendar to judge, at each term,	11 668
furnish convict with tools,	12 668
prisoners shall not be furnished intoxicating liquor,	13 669
penalty for violation of duty, by sheriff, &c.,	14 669
furnishing liquor to prisoners,	15 669
sheriff shall preserve copy of process, when—effect of as evidence,	16 669
expense of keeping prisoners, how regulated,	17 669
sheriff shall preserve instruments, orders, &c.,	18 669
keeper shall furnish bedding, clothing, &c., at expense of county,	19 669
may keep prisoner in solitary confinement, when,	20 670
escaping from jail, when sentenced to state prison, how punished,	21 670
same, when detained for trial, how punished,	22 670

MINNESOTA STATUTES 1866

802

GENERAL INDEX.

	Sec.	Page.
JAILS AND PRISONS , person imprisoned for capital offense, escaping, how punished,	23	670
prisoners may be removed, when,	24	670
STATE PRISON.		
state prison shall continue to be maintained at Stillwater,	25	670
be under control of inspectors appointed by governor,	26	670
inspectors shall meet, where,	27	670
officers of, shall consist of whom,	28	670
warden shall be appointed by governor for two years,	29	670
other officers, how appointed—term of office,	30	670
inspectors , shall inquire into matters connected with,	31	671
inquire into conduct of officers—may subpoena witnesses,	32	671
may examine witnesses on oath,	33	671
have access to prison, books, accounts, &c.,	34	671
shall keep minutes of proceedings,	35	671
meet once a month, make rules, &c.,	36	671
copy of rules to be furnished to officers of prison,	37	671
warden shall keep daily journal, to contain what,	38	671
inspectors shall make annual settlement with warden, and report,	39	671
transmit record of proceedings to governor, quarterly,	40	671
expend \$25 annually for prison library,	41	672
salaries of prison officers,	42	672
warden and deputy shall file oath and bond,	43	672
warden, duties of,	44	672
transactions with, how conducted, &c.,—actions, how brought,	45	672
shops and grounds may be leased,	46	672
convicts may be let to service,	47	672
revenue of, to be paid into state treasury,	48	672
provisions, &c., how furnished,	49	672
contracts by warden, how made,	50	672
officers not to employ convicts on business in which they are interested,	51	673
warden shall keep an account of receipts and expenditures,	52	673
make report to state auditor,	53	673
make report to inspectors,	54	673
make report to secretary of state,	55	673
officers shall repress attempted violence,	56	673
justified in killing convict resisting authority,	57	673
convicts may be removed and confined elsewhere, when,	58	673
warden shall receive and keep United States convicts,	59	673
take charge of convict's money, &c.,	60	673
furnish convict, on discharge, with clothes and money,	61	674
prisoners to have separate cell,	62	674
warden may contract for keeping convicts elsewhere, when,	63	674
convicts shall be supplied with clothing, food, &c.,	64	674
no communication allowed with, without warden's consent,	65	674
governor et al., may visit prison at pleasure,	66	674
certified copy of sentence to be delivered to warden, with convict,	67	674
convict escaping, warden shall offer reward,	68	674
inspectors shall approve rewards,	69	674
expenses and fees of officers, rate of,—to be paid by state,	70	674
spirituous liquor , only allowed, when,	71	674
state auditor shall draw warrant for sums as directed by inspectors,	72	675
inspectors may adopt rules for visiting,	73	675
officers exempt from military and jury duty,	74	675
state auditor to settle with warden, when,	75	675
deputy warden to perform duties of warden, when,	76	675
physician shall keep register of convicts, diseases, &c.,	77	675
warden shall preserve copy of books, accounts, &c.,	78	675
keep record of infraction of prison rules, &c.,	79	675
have use of house, lights and fuel,	80	675
lease of prison shops, shall contain what provisions,	81	675
JANITOR , of capitol, duty of,	64	92
salary of,	1	93
JOINT CONTRACTOR , dying, his estate is liable as if contract was joint and several,	19	377
service of summons on one, deemed service on all,	13	451
JOINT CONVENTION , of two houses of legislature to elect United States senator,	17	73
may adjourn, how,	22	73
elect U. S. senator to fill vacancy happening during session of legislature,	23	74
JOINT TENANCY . See PARTITION OF REAL PROPERTY,	—	532
not created unless expressly so declared, when,	44	352
mortgages, devises or grants, in trust or to executors, excepted,	45	352
JOINT TENANT , may maintain action against co-tenant, when,	24	541

MINNESOTA STATUTES 1866

GENERAL INDEX.

803

	Sec.	Page.
JOINTURE, dower may be barred by,	14	362
how settled to bar dower,	15	362
made before marriage gives right of election, when,	17	362
JOURNALS, of two houses of legislature, who shall keep,	25	82
where deposited,	25	82
shall contain, what,	26	82
be printed how,	27	82
have appendix,	27	82
number of copies printed,	30	83
who are entitled to copies,	32	83
when deemed officially published,	37	84
copies of, not distributed, to be preserved,	38	84
JUDGE OF DISTRICT COURT, entitled to copy of laws,	33	83
shall deliver same to successor,	33	83
salary , two thousand dollars per annum,	2	94
shall advise sheriff as to mode of keeping prisoners when there is no jail,	175	128
fill vacancy in office of court commissioner,	198	132
approve appointment of deputy clerk,	227	136
fill vacancy in office of district clerk,	230	137
neglecting to perform duty under license law, penalty,	6	208
shall charge jury upon subject of selling liquor to Indians,	12	209
entitled to copy of reports of supreme court,	4	231
shall hear petition of corporation to obtain right of way,	14	265
appoint commissioners on petition of corporation,	15	266
payment of damages to parties residing out of county and out of state, &c., to be paid under direction of,	21	267
having jurisdiction, shall charge grand jury to inquire into trespasses on public lands,	33	322
duties and powers of, under chapter relating to official trusts,	—	336.
successor in office of, shall complete execution of trust,	16	340
may solemnize marriage,	4	406
examine parties under oath,	6	406
issue writs and process in vacation,	3	415
shall not try cause in which he is interested,	4	415
of one district, shall discharge duties of judge of another district, when,	5	415
shall not practice as attorney, nor be partner,	6	415
may hold special terms, adjourned terms, &c.,	15	416
appoint place of holding court, when,	16	416
order special venire, when,	17	416
grant order to show cause, when,	227	482
oath of,	5	515
may administer oaths of office,	2	515
administer any oath authorized to be taken,	3	515
take acknowledgments of deeds, &c.,	8	517
take and certify depositions,	9	517
is conservator of the peace within his district,	1	628
shall charge grand jury, when and how,	23	638
may order bench warrant to issue on presentment, when,	51	640
order clerk to issue bench warrant to bring up defendant for arraignment,	4	648
shall fix amount of bail, which shall be indorsed on bench warrant,	8	649
may increase amount of bail, when,	12	649
enforce order of commitment, how,	13	649
shall inform defendant of his right to counsel,	14	649
direct defendant's true name to be inserted in the minutes,	15	649
may allow defendant time to plead,	16	649
duty of, in charging jury in criminal case,	12	656
JUDGES OF ELECTION. <i>See</i> ELECTION, JUDGES OF, IN INDEX, PAGE 776.		
JUDGE OF PROBATE, shall canvass votes, when,	36	63
fees for making abstracts, &c.,	54	66
entitled to copy of laws,	33	83
shall deliver same to successor,	33	83
bond and oath , shall be recorded,	188	131
shall have his office at county seat, and keep records of orders, decrees, &c.,	189	131
deliver books and papers to successor,	190	131
penalty for failure to do so,	190	131
may appoint clerk, how,	191	131
be court commissioner,	197	132
be removed from office by governor,	3	137
entitled to copy of reports of supreme court,	4	231

MINNESOTA STATUTES 1866

	Sec.	Page.
JUDGE OF PROBATE. · See PROBATE COURTS,	—	364
shall appoint time and place to hear petition for sale of land,	2	398
may appoint guardians to-minors and others,	1	399
shall require bond of guardian,	17	401
may order personal estate of minor to be disposed of,	23	402
remove guardian,	25	402
discharge guardian when no longer necessary,	27	403
require new bond of guardian,	28	403
cite before him, party suspected of embezzlement,	29	403
solemuize marriage,	4	406
examine parties under oath,	6	406
fees of,	5	504
shall set up table of fees in his office,	29	511
penalty for neglect to set up table of fees,	29	511
may administer oaths of office,	2	515
any oath authorized to be taken,	3	515
oath of,	5	515
may take acknowledgments of deeds, &c.,	8	517
take and certify depositions,	9	517
JUDGE OF SUPREME COURT, entitled to copy of laws,	33	83
shall deliver same to successor,	33	83
salary, two thousand dollars per annum,	1	93
entitled to copy of reports of supreme court,	4	231
may solemnize marriage,	4	406
examine parties under oath,	6	406
issue writs and process in vacation,	5	413
administer oaths of office,	2	515
any oath authorized to be taken,	3	515
oath of,	5	515
may take acknowledgments of deeds, &c.,	8	517
take and certify depositions,	9	517
JUDGMENT, of district court, certified to county auditor, when,	81	113
on appeal from decision of county commissioners, may be appealed from district		
court to supreme court,	82	114
in supreme court, to be certified, how,	82	114
how collected,	82	114
against county commissioners or other county officers, how collected,	83	114
may be levied only on county property,	83	114
against town, to be paid by town treasurer,	91	150
execution may issue, when; and on what property levied,	91	150
certified copy of docket of, may be presented to annual town meeting,	92	150
in action to enforce lien on logs, how collected,	34	250
on appeal from commissioners, how entered—effect of—paid, how,	26	267
IN JUSTICE'S COURT.		
in action when counter claim is established,	41	427
same, when counter claim exceeds plaintiff's demand,	42	427
mutual; set off in justice's court, when,	60	429
rendered before different justices, set off when,	61	429
by confession, justice may enter, when,	63	430
conditions precedent to,	64	430
justice shall indorse statement and affidavit, and render judgment,	65	430
shall be entered in docket, when,	66	430
for costs rendered, when,	67	430
security required before judgment, when,	68	430
may be opened and defended, when,	69	430
transcript of, given when,	70	430
becomes a lien on real estate, when,	71	431
enforced against what estate,	72	431
for plaintiff in replevin before justice, what may be,	87	433
defendant in such action,	88	433
what shall be, in certain cases,	89	433
not a bar to another action for same property,	89	433
of justice affirmed on appeal, with interest and costs, when,	108	436
on appeal against appellant, how entered,	114	436
in criminal cases, justice shall render, on plea of guilty,	138	441
same, on verdict of guilty,	147	442
against complainant, for costs entered, when,	148	442
in district court, on appeal from justice,	153	443
shall be for fine and costs,	162	444

MINNESOTA STATUTES 1866

GENERAL INDEX.

805

JUDGMENT,	IN DISTRICT COURT.	Sec. Page.
action on, when to be brought,		5 451
may be had, on failure to deny counter claim,		84 461
how pleaded,		91 462
amendment allowed after,		104 463
for relief , granted when,		105 463
may be conformed to statute,		105 463
shall not be reversed or affected by reason of error or defect not affecting substantial rights,		107 464
of garnishment , when shall be rendered,		160 473
same, by whom ordered,		161 473
for what amount rendered,		170 474
not to be rendered unless judgment against defendant is, how large,		177 474
effect of,		178 475
when no bar to action by defendant or others,		179 475
may be appealed,		180 475
upon failure to answer , title relating to,		— 477
on default in case of personal service, clerk shall enter judgment, when,		192 477
court may direct reference to assess damages, when,		192 477
application to court for relief, made when,		192 477
when service was by publication, how to proceed,		192 477
security shall be filed before judgment,		192 477
on issue of law , plaintiff may proceed, how,		225 481
same, defendant may proceed, how,		225 481
reference may be ordered, when,		225 481
of dismissal , in what cases allowed,		242 484
of non-suit and other modes abolished,		242 484
how entered and notice given,		242 484
on the merits , shall be rendered in all other cases,		241 484
may be rendered for or against one or more of several parties,		244 485
same, against one or more of several defendants, and action proceed as to the rest,		245 485
for any relief consistent with complaint,		246 485
be rendered in conformity to the verdict, unless stay is granted,		247 485
how rendered in case of counter claim,		248 485
same, in action to recover possession of personal property,		249 485
entry of , shall be in judgment book,		350 485
may be entered after party dies but is not a lien,		251 485
docketing , shall be docketed by clerk,		254 485
same, in another county, upon transcript,		254 485
lien , takes effect as soon as docketed,		254 485
same, continues for ten years,		254 485
judgment, in action on a judgment, not a lien,		254 485
satisfaction of , how entered,		255 486
same, duty of party or attorney to enter,		255 486
of judgment docketed on transcript, how entered,		255 486
instruments of, duty of clerk to give,		255 486
proceedings supplementary , title relating to,		— 486
parties not originally summoned may be summoned after judgment,		256 486
heirs, devisees and legatees may be summoned, when,		257 486
summons shall contain, what,		258 486
affidavit shall accompany summons,		259 486
answer may contain, what,		260 486
issue, how tried and determined,		261 486
valid against what parties after levy and sale if sale, proves irregular,		297 492
of partition , not rendered without evidence or stipulation,		5 533
same, when and how rendered,		6 533
who affected by,		9 533
how entered on new trial of action to recover real property,		6 539
title to land , may be passed by,		14 540
in action for waste, given, when,		27 541
against executor , or administrator, evidence of assets, when,		3 546
against next of kin, how discharged,		12 547
next of kin et al., taken in what amount, in certain cases,		25 548
prior lien on real property, when,		27 548
on official bond for one delinquency, not a bar for others,		4 550
obtained by collusion, no bar, when,		8 551
of prohibition , when and how rendered,		18 556
on foreclosure of mortgages, how entered in first instance,		26 565
by confession , without action, chapter relating to,		— 567

1873-188

Judgment, reversal to be taken when

MINNESOTA STATUTES 1866

806

GENERAL INDEX.

	Sec.	Page
JUDGMENT , in forcible entry and detainer,	9	572
may be removed to supreme court, by appeal,	1	576
be enforced notwithstanding appeal, when,	16	578
on award of arbitrators,	15	588
how pleaded in an indictment,	12	646
in criminal cases , and the execution thereof, chapter relating to,	—	664
upon conviction, how entered,—what papers constitute roll,	1	664
clerk to deliver transcript to sheriff—to be his warrant,	2	664
in capital cases , copy of whole record to be transmitted to governor,	3	664
warrant of execution to be issued by the governor,	3	664
judge shall send statement of testimony, &c., to governor,	4	664
sentence , form of,	5	665
court to award sentence, when,	6	665
may require party convicted to give recognizance, when,	7	665
proceedings in case of breach of recognizance,	8	665
when no jail in county, sentence shall be executed, how,	9	665
governor may delay or forbear issuing warrant, when,	10	665
punishment of death , how inflicted,	11	665
duty of sheriff in executing warrant, in capital cases,	12	665
JUDGMENT BOOK , clerk of district court shall keep,	229	136
judgment shall be entered in,	250	485
JUDGMENT ROLL , what papers constitute,	252	485
on filing of, judgment for payment of money shall be docketed,	254	485
JUDICIAL PURPOSES , counties attached to others, for,	33	419
JURISDICTION , of probate court, to take proof of wills,	2	364
same, generally,	3	364
is exclusive, when,	4	364
of district court , in civil cases,	1	415
same, in criminal cases,	1	415
in equity,	2	415
of justice of the peace , co-extensive with county—exceptions,	1	421
same, of what actions and proceedings,	5	421
in criminal cases,	130	440
of court over an action is acquired, when,	54	457
same, over natural person acquired, when,	55	457
corporation acquired, when,	56	457
want of, ground of demurrer to complaint,	74	459
same, not waived by not demurring or answering,	78	460
of district court, over officers of corporations,	7	543
same, to recover fines and forfeitures by indictment,	10	551
justice of the peace to recover fines and forfeitures,	10	551
district court, in cases of mandamus,	12	555
supreme court, when writ is to be directed to district judge,	12	555
same, to issue writs of prohibition,	14	556
issue writ of habeas corpus,	22	557
district court, to issue writ of habeas corpus,	22	557
justice of the peace in actions against boats and vessels,	15	570
same, in action of forcible entry or unlawful detainer,	2	571
of offenses committed on board vessels,	19	647
same, on boundary lines of two counties,	20	647
where mortal injury is inflicted in one county and death therefrom ensues in another,	21	647
same, out of the state and death therefrom results in any county in the state,	22	647
JURORS , inhabitants of county suing or being sued, may be,	79	113
county commissioners shall select, when and how,	98	117
same, shall select persons qualified and not exempt,	100	117
coroner to summon, when and how,	213	134
same, shall administer oath,	215	134
not attending, others may be summoned,	216	135
in district court, deficiency of, how supplied,	17	416
fees of ,	27	510
certificate for services of, issued by clerk,	27	510
having personal knowledge, shall be sworn as witness,	9	656
becoming sick, jury may be discharged,	16	656
disagreeing to verdict, jury again sent out,	20	657
JURY ,		
in justice's court , how empaneled,	54	428
names, how selected, and persons summoned,	55	428
talesman summoned, when,	56	429
shall be sworn, and kept together till a verdict or discharge,	56	429
deliver verdict to justice,	57	429

1868-125

	Sec.	Page.
JURY , may be discharged, when,	58	429
<i>person neglecting to appear as juror when summoned—how punished,</i>	59	429
in criminal cases , may be waived by accused,	137	441
sheriff shall make list of names,	139	441
names on list, how reduced to proper number,	140	441
how summoned,	141	442
deficiency in, how supplied,	142	442
on discharge of, new jury may be summoned,	143	442
challenge , for cause, allowed,	144	442
shall be kept together till they agree or are discharged,	145	442
deliver verdict publicly,	146	442
in district court , title relating to trial by,	—	479
how empaneled,	205	479
challenge to panel, how taken,	208	479
may have view of property or place, when,	210	479
be empaneled anew, when,	211	479
court may order sheriff to provide food for,	212	479
may take what papers on retiring to consider verdict,	213	480
are discharged by final adjournment of court,	214	480
may be polled after verdict is rendered, and before it is recorded,	215	480
be again sent out if any juror disagrees,	216	480
misconduct of, ground for new trial,	235	483
provisions respecting, apply to trial by court or referees,	240	484
in criminal cases , shall render verdict of not guilty in trial for murder or man-		
slaughter, when,	7	598
shall try issue of fact in criminal case,	2	655
member of, shall disclose knowledge in cause on trial,	9	656
if done during retirement, jury must return into court,	9	656
shall decide what questions arising on trial,	11	656
are exclusive judges of questions of fact,	12	656
shall be kept in charge of sworn officer,	13	655
on retiring may take what papers,	14	656
may return into court for information,	15	656
be discharged, if one falls sick,	16	656
verdict , what, in case of indictment for offenses of different degrees,	18	656
same, in case of several defendants,	19	657
may be asked concerning,	20	657
in case of insanity of defendant,	22	657
JUSTICE OF THE PEACE , fees for making out abstracts,	54	66
entitled to copy of laws,	33	83
shall deliver same to successor,	33	83
two justices to be elected in each election district,	108	118
shall take oath and give bond,	108	118
vacancy , how filled,	108	118
shall be elected by ballot,	25	142
file bond and oath with clerk of court,	41	143
penalty for performing duties before taking oath,	43	144
term of office , two years,	44	144
vacancy in office of , how filled,	45	144
in board of appointment, who may act,	46	144
may resign office, to whom,	48	144
shall issue warrant to remove nuisance,	57	145
form one of town board, when,	70	147
issue warrant on complaint of overseer of highway,	20	193
impose fine, when,	21	193
pay fine, when collected, to overseer of highway,	22	193
in city , shall have same powers and be subject to same liabilities as town justice,	58	198
have jurisdiction over prosecutions for obstructing roads,	99	199
shall issue warrant on complaint for fast driving over bridge,	72	200
proceedings in case of conviction,	73	200
neglecting duty under license law, penalty,	6	208
have jurisdiction in cases under license law, when,	9	208
shall make complaint for selling liquor to Indians,	14	209
make inventory of unclaimed property, and order of sale, when,	20	219
distribute proceeds of sale of such property, and deposit balance with county treasurer,	23	219
fees for such services ,	28	219
shall issue warrant for violation of game law,	7	223
may imprison party convicted,	7	223
proceedings before, if grantor refuses to acknowledge deed,	13	329
subscribing witness to deed may be subpoenaed to appear before,	16	330

MINNESOTA STATUTES 1866

808

GENERAL INDEX.

	Sec.	Page.
JUSTICE OF THE PEACE , may commit to prison witnesses refusing to appear or to testify, when,	17	330
proceedings before, on deed not acknowledged,	18	330
effect of filing copy of deed in office of register of deeds while proceedings are pending before,	19	330
marriage rite may be performed by,	4	406
examine parties under oath,	6	406
COURTS OF JUSTICES OF THE PEACE.		
jurisdiction of, co-extensive with limits of county,	1	421
shall keep office and issue process, where,	2	421
not keep his office in same room with attorney,	3	421
is authorized to hold court, and vested with necessary powers,	4	421
laws of general nature applicable to justice's court,	4	421
shall not charge jury,	4	421
has jurisdiction of what actions and proceedings,	5	421
has not jurisdiction of what actions and proceedings,	6	422
shall keep docket and enter minute of proceedings before him,	7	422
actions , how instituted before,	8	422
may require of plaintiff security for costs,	9	423
shall dismiss action if security is not given,	9	423
fill up and sign summons,	10	423
may order service of summons to be made by publication, when,	12	422
shall direct deposit of summons, &c., in post office, when,	12	423
may empower person to serve process, when,	14	423
appoint next friend for infant plaintiff,	16	424
appoint guardian ad litem for infant defendant,	17	424
shall transfer action, papers, &c., to another justice, when,	18	424
may postpone time of appearance, when,	19	424
shall dismiss action, &c., if party fails to appear,	20	424
may appoint time for pleading, with consent of parties,	21	424
shall cease proceedings, and certify cause to district court, when,	35	426
may issue attachment against witness, when,	44	427
excuse default of witness,	45	427
shall allow deposition to be read on trial, when,	49	428
may issue commission to take testimony, when,	50	428
grant commission, at whose instance,	51	428
shall receive deposition taken under commission, when,	52	428
impanel jury, when and how,	54	428
may set off judgments, when,	60	429
shall certify transcript for purpose of set-off,	61	429
allowing set-off, shall make certain entries,	62	429
may enter judgment by confession,	63	430
shall not take confession or enter judgment unless certain requisites are complied with,	64	430
shall indorse statement and affidavit, and enter judgment,	65	430
render judgment within what time,	66	430
render judgment for costs, when,	67	430
require and approve bond before judgment, when,	68	430
may allow defendant to defend judgment, when,	69	430
shall give transcript, when,	70	430
give certificate of issuance of execution and return unsatisfied,	71	431
execution , shall be issued, when,	73	431
shall make certain entries before delivering execution,	75	431
renew execution on request, and make entry in docket,	76	431
issue writ of replevin, when,	84	432
require bond before issuing writ of attachment,	93	433
may allow compensation for keeping property taken on attachment,	98	434
appeal shall be allowed, when,	105	435
shall file transcript and papers in district court,	106	435
may be compelled to make return,	109	436
be compelled to allow appeal,	110	436
be compelled to amend return,	111	436
shall not allow appeal till costs are paid,	117	436
may make return after expiration of term of office,	118	436
punish for contempt, in what cases,	119	437
shall give party in contempt an opportunity to be heard,	121	437
may issue warrant and bring offender before him,	121	437
proceed summarily, when,	122	437
shall make record of proceedings, and file same with clerk of court,	123	437
may commit witness refusing to testify,	125	437
order of commitment shall be specific,	126	437

MINNESOTA STATUTES 1866

GENERAL INDEX.

809

		Sec. Page.
JUSTICE OF THE PEACE , may adjourn case, how long, - - - - -	127	437
shall fine witness refusing to attend, - - - - -	128	437
in criminal cases , power and jurisdiction of, - - - - -	130	440
limitation of jurisdiction, - - - - -	131	441
shall proceed how, on complaint made, - - - - -	132	441
enter action and proceedings as in civil cases, - - - - -	133	441
proceed to trial, when, - - - - -	134	441
allow accused to give bail, or may commit for want of bail, - - - - -	135	441
read charge and require accused to plead, - - - - -	136	441
try accused, when, - - - - -	137	441
render judgment on plea of guilty, - - - - -	138	441
jury to be summoned, unless waived, - - - - -	139	441
names of jurors, how obtained, - - - - -	140	441
jury shall be summoned, how, - - - - -	141	442
shall supply deficiency, how, - - - - -	142	442
may try accused, by consent, after jury are discharged, - - - - -	143	442
shall enter verdict in his docket, - - - - -	146	442
render judgment on verdict of guilty, - - - - -	147	442
enter judgment for costs against complainant, when, - - - - -	148	442
make special return of proceedings on appeal, - - - - -	149	442
make certificate of conviction and judgment, - - - - -	155	443
file certificate with clerk of district court, - - - - -	156	443
issue warrant of his own motion, when, - - - - -	158	443
certify recognizance to district court, when, - - - - -	159	444
proceed how, when it appears that he has not final jurisdiction, - - - - -	160	444
summon witnesses and compel attendance, when, - - - - -	161	444
enter what judgment in cases under this title, - - - - -	162	444
in case of adjournment, shall verbally notify witnesses to attend, - - - - -	163	444
may require of complainant security for costs, - - - - -	164	444
shall pay fines received to county treasurer, - - - - -	165	444
FEEES AND COSTS.		
fees of, - - - - -	15	508
costs in justice's courts, - - - - -	16	509
may tax costs without giving notice, - - - - -	17	509
fees of witnesses to be proved, - - - - -	18	509
allowed for travel in serving subpoena, when, - - - - -	19	509
of only two witnesses to same fact allowed, - - - - -	20	509
for copies not allowed, unless copies are used, - - - - -	21	509
items of disbursement to be specified, - - - - -	22	509
may hear evidence that charge is unreasonable, - - - - -	23	509
shall set up table of fees in his office, - - - - -	29	511
penalty for neglecting to set up table of fees, - - - - -	29	511
may administer oaths of office, - - - - -	2	515
take acknowledgments, - - - - -	8	517
take and certify depositions, - - - - -	9	517
issue subpoenas in civil causes, - - - - -	1	519
issue notice to take depositions, - - - - -	17	521
shall annex certificate to deposition, - - - - -	25	522
have jurisdiction in indictments to recover fines and forfeitures, - - - - -	10	551
jurisdiction of , in actions against boats and vessels, - - - - -	15	570
in forcible entry and detainer, - - - - -	2	571
in case of tenants and others holding over, - - - - -	11	573
power of, to punish contempts, - - - - -	2	580
CRIMINAL JURISDICTION.		
has jurisdiction of offenses of receiving stolen goods, &c., when, - - - - -	19	605
same, in case of malicious injury to fruit trees, garden, &c., - - - - -	46	609
ordering party to make arrest, refusal, how punished, - - - - -	17	615
falsely assuming to be, how punished, - - - - -	18	615
has jurisdiction in cases of fornication, disturbing public worship, cruelty to animals, and Sunday labor, - - - - -	22	623
prevention of crime , provisions relating to, - - - - -	—	628
is conservator of the peace within his county, - - - - -	1	628
shall proceed how, on complaint of offense threatened, - - - - -	2	628
same, shall issue warrant, when, - - - - -	3	628
examination of witnesses to support complaint, - - - - -	4	628
of witnesses for prisoner, - - - - -	5	628
may require recognizance, - - - - -	6	628
may commit party failing to recognize, - - - - -	7	628
shall discharge party, when, - - - - -	8	628
may order defendant to pay costs, when, - - - - -	9	628

MINNESOTA STATUTES 1866

810

GENERAL INDEX.

	Sec.	Page.
JUSTICE OF THE PEACE.		
appeal in such case allowed, -	10	629
same, witnesses may be required to give recognizance, -	11	629
party committed may be discharged on giving security, -	14	629
recognizance required without proof, when, -	16	629
JUSTIFIABLE HOMICIDE , committed by public officers, when, -	4	597
committed by any person, in what cases, -	5	598
in case of, jury shall render verdict of not guilty, -	7	598
JUSTIFICATION OF SURETIES , notice of, how given, -	120	465
may be waived, -	121	465
how conducted, -	123	466
JUVENILE PRISONERS , how to be treated, -	7	668

K

KANABEC COUNTY , boundaries of, -	30	108
included in first judicial district, -	18	417
attached to Chisago county for judicial purposes, -	33	419
KANDIYOHI COUNTY , boundaries of, -	31	103
included in fourth judicial district, -	21	417
attached to Meeker county for judicial purposes, -	33	419
KEEPER OF STATE ARSENAL , salary of, -	1	93
KIDNAPPING , how punished, -	42	601
where tried, and what shall not be a defence, -	43	601
KINDRED , in what order liable for support of paupers, -	2	202
what, to inherit estates, -	1	353
degrees of, to be computed according to rules of civil law, -	4	354
if half blood, to inherit equally with those of whole blood, -	4	354

L

1871-88

LABOR, REGULATION OF , chapter relating to, -	—	228
ten hours a day's work for women, and children under the age of eighteen, -	1	228
compelling women or permitting children to work more than ten hours in one day—		
penalty, -	1	228
ten hours a day's work, in absence of contract, -	2	228
lien for, on logs and timber, allowed, when, -	29	249
on Sunday, prohibited, -	19	622
LAC QUI PARLE COUNTY , boundaries of, -	32	103
included in sixth judicial district, -	23	417
attached to Renville county for judicial purposes, -	33	419
LAKE COUNTY , boundaries of, -	33	103
included in seventh judicial district, -	24	417
attached to Saint Louis county for judicial purposes, -	33	419
LAND OR LANDS , words, how construed, -	1	74
county auditor shall transfer for taxation, -	39	166
taken by corporation, record evidence of title; to be perfected, how, -	27	268
descent of, held by trustees, -	87	278
See ACTIONS BY PERSONS HOLDING CLAIMS ON , -	—	575
LANDLORD AND TENANT , action by landlord against tenant, equivalent to demand and re-entry, -	15	540
tenant restored to possession, how, -	15	540
holding over, remedy against, -	11	573
LAND MARKS , malicious injury to, how punished, -	44	609
LAND OFFICE RECEIPTS , effect of, as evidence, -	84	530
LARCENY , in dwelling, office, ship, &c., how punished, -	13	604
from the person, how punished, -	14	604
of property, exceeding \$100 in value, -	15	604
same, less than \$100 in value, -	15	604
may be committed by stealing railroad tickets, -	16	605
in case of, officer making arrest shall secure stolen property, -	21	605

1874-120

MINNESOTA STATUTES 1866

GENERAL INDEX.

811

	Sec. Page.
LARCENY, conversion of money, &c., by officer or agent, deemed larceny,	23 605
same, by carrier of goods, &c.,	24 606
fraudulent sale of consigned goods, deemed larceny,	25 606
obtaining money or goods by false pretences, deemed larceny,	32 607
forms in indictment for,	2 644
LASCIVIOUS CONDUCT, how punished,	4 621
LAW OF THE ROAD, chapter relating to,	— 200
persons meeting with vehicles, shall turn to the right,	1 201
driver passing vehicles, shall drive to the left,	2 201
employment of intemperate drivers—penalty,	3 201
penalty for violation of preceding provisions,	4 201
driver not to leave horses without fastening them—penalty for neglect,	5 201
owners of vehicles liable to passengers for injuries caused by drivers,	6 201
LAWS, general, shall not take effect until published,	2 75
how printed,	8 78
copies of, to be furnished printer,	22 81
volume of, how published,	24 81
number of copies printed,	31 83
who are entitled to copies of,	33 83
shall be delivered over, how,	33 83
when deemed officially printed,	37 84
copies of, not distributed, to be preserved by secretary of state,	38 84
LEASE, property held under, who to list,	4 156
how to be sold,	114 182
for more than a year, must be in writing,	12 334
power to make, may be given to tenant for life,	15 344
same, not assignable as a separate interest,	16 344
may be released and extinguished,	17 344
action by landlord equivalent to demand and re-entry,	15 540
tenant restored to possession, how,	15 540
at will, what notice to quit sufficient,	21 541
of house of ill-fame, void at option of lessor,	10 621
LEASEHOLD INTEREST, of two years unexpired term, no redemption on sale of,	288 491
LEGACY. See PAYMENT OF DEBTS AND LEGACIES,	— 375
to subscribing witness to will, void, when,	8 356
same, not void, when,	8 356
real estate sold to pay, when,	12 391
due from executor, subject to garnishment,	151 471
LEGAL SOCIETIES, may become incorporated,	54 273
shall adopt and sign articles, containing what,	55 273
effect of filing articles,	56 274
no dividend or distribution until dissolution,	57 274
corporate powers,	58 274
LEGATEE, issue of deceased, shall take estate, when,	25 358
liable to contribution, when,	21 359
how liable in case of insolvency,	32 359
when liable for debts of testator,	10 546
liable for debts of testator in what proportion,	16 547
estates of, when liable for debts of testator,	20 548
LEGISLATURE, shall canvass votes for state officers,	20 58
number of members,	1 70
apportionment of representation,	2 70
shall assemble, when,	3 71
certificate of election, evidence of membership,	4 71
members of, shall present certificate and take oath,	5 71
officers of, shall be elected by majority of votes,	10 72
members of, not entitled to per diem, when,	13 72
same, receive pay for how many days,	14 72
term of office,	16 73
each member entitled to copies of journal, &c.,	32 83
entitled to copy of laws, &c.,	33 83
may require new bond of state treasurer,	24 88
require written opinion of attorney general,	40 90
appoint committee, annually, to examine library,	46 90
summary of bank reports to be transmitted to, by state auditor,	34 259
may appoint a committee to examine treasurer's account, and securities deposited in auditor's office,	38 260
power over turnpike and plank roads,	154 291
power of, over plank road and turnpike companies—rates of toll, franchises, &c.,	154 291
power of, over corporations,	172 293

1868-69

Compensation in
1873 - 235

MINNESOTA STATUTES 1866

812

GENERAL INDEX.

	Sec. Page.
LE SUEUR COUNTY, boundaries of, - - - - -	34 103
included in sixth judicial district, - - - - -	23 417
LETTER OF ATTORNEY, not deemed a conveyance, - - - - -	26 331
may be recorded, and transcript read in evidence, - - - - -	27 331
LETTERS PATENT, in what manner revoked, - - - - -	29 331
<i>See</i> ACTIONS TO VACATE CHARTERS, LETTERS PATENT, &c., - - - - -	— 559
LETTERS TESTAMENTARY, AND OTHER PROCEEDINGS ON THE PROBATE OF A WILL, chapter relating to, - - - - -	— 367
to whom issued, - - - - -	2 367
bond to be given to executor—how conditioned, - - - - -	2 367
when executor is residuary legatee, - - - - -	3 367
refusal of executor to accept trust and give bond, - - - - -	4 367
other executors appointed, when, - - - - -	5 367
proceedings in case executor is a minor, - - - - -	6 367
administrator, with will annexed, shall give bond, - - - - -	7 368
marriage of executrix extinguishes her authority, - - - - -	8 368
executor may be removed, when, - - - - -	9 368
effect of death or removal of executor, - - - - -	10 368
when all the executors can not act, those authorized may, - - - - -	11 368
executor of executor, not to administer, - - - - -	12 368
separate or joint bonds may be taken, - - - - -	13 368
LEVY. <i>See</i> ATTACHMENT, - - - - -	134 467
of execution on property subject to lien of judgment, how made, - - - - -	270 488
same, on personal property capable of manual delivery, - - - - -	271 488
bulky articles, - - - - -	272 488
other personal property, as debts, stocks, &c., - - - - -	274 489
property under pledge, - - - - -	278 489
excess of exempt property, - - - - -	282 490
grain, grass, and other unharvested crops, - - - - -	283 490
interest of purchaser of property sold on execution, - - - - -	295 492
LEWD CONDUCT, how punished, - - - - -	4 621
LIBEL, action for, when brought, - - - - -	8 451
rule of pleading for plaintiff, - - - - -	95 462
same, for defendant, - - - - -	96 462
in prosecution for, truth may be given in evidence, - - - - -	95 531
same, jury to determine law and fact, - - - - -	95 531
form in indictment for, - - - - -	2 645
indictment for, to show what, - - - - -	14 646
LIBRARIAN, of state library, appointed by whom, - - - - -	45 90
term of office,—bond and oath, - - - - -	47 90
custodian of books, &c., belonging to library, - - - - -	48 90
shall paste printed label in each book, - - - - -	49 91
prepare alphabetical catalogue, and report to legislature, - - - - -	49 91
keep library open, when, - - - - -	50 91
take receipt for books taken from library, - - - - -	51 91
allowing improper removal of book,—penalty, - - - - -	53 91
prosecute person losing or injuring book, - - - - -	55 91
shall assist in framing rules for library, - - - - -	56 91
report to governor, when requested, - - - - -	57 91
assist in directing expenditure of funds of library, - - - - -	58 92
post sections of title vi, ch. 6, general statutes, in library, - - - - -	59 92
salary, six hundred dollars per annum, - - - - -	1 93
LIBRARY. <i>See</i> LIBRARIAN, - - - - -	— 90
LICENSE, to sell liquor, when granted, - - - - -	1 207
applicant for, shall pay sum fixed by county commissioners, and file bond, - - - - -	2 207
may be revoked, - - - - -	3 208
selling liquor without,—penalty, - - - - -	4 208
county auditor to keep list of, - - - - -	8 208
license to sell goods, &c., at auction, who may grant, - - - - -	1 232
to be in force one year, - - - - -	7 232
to erect dam for sluicing logs, who may grant, - - - - -	41 251
shall be sealed, signed and attested, - - - - -	43 251
applicants for, shall post notices, &c., - - - - -	44 251
not valid till bond is given, - - - - -	45 251
LIEN, 1871-107 OF TAXES. - - - - -	
on lands, for taxes paid by agents and others, - - - - -	109 181
of state for taxes, attaches, when, - - - - -	115 182
as between grantor and grantee, - - - - -	115 182
for taxes subsequent to sale, - - - - -	116 182
of state, transferred to purchaser, when, - - - - -	142 187

MINNESOTA STATUTES 1866

GENERAL INDEX.

813

	Sec.	Page.
LIEN , is valid, though sale is void, - - - - -	142	187
purchaser at tax sale, obtains lien, - - - - -	151	188
may be collected or foreclosed, - - - - -	152	188
ON LOGS AND TIMBER.		
on logs , to be recorded, - - - - -	22	247
on logs or timber, for labor performed thereon, obtained how, - - - - -	29	249
may be sold and assigned, - - - - -	39	249
memorandum of contract to be filed before commencing work, - - - - -	30	249
claim of lien to be filed after work is done, - - - - -	31	249
logs and timber held, and lien to take precedence, when, - - - - -	32	249
lien-holders may attach logs and timber, when, - - - - -	33	249
judgment in action for lien, how enforced, - - - - -	34	250
liens to take precedence in order of filing, - - - - -	35	250
fees paid for recording papers, recoverable in action to enforce lien, - - - - -	36	250
lien, how discharged, - - - - -	38	250
on logs, &c., for sluicing, allowed, - - - - -	47	252
BY CORPORATIONS.		
by corporation , on stock,—how enforced, - - - - -	49	272
in favor of mutual insurance companies, - - - - -	53	273
OF JUDGMENTS.		
of judgment rendered by justice, and transcript filed in clerk's office, - - - - -	71	431
enforced out of what property, - - - - -	72	431
not allowed on judgment rendered after death of judgment debtor, - - - - -	251	485
of judgment, dates from time of docketing, - - - - -	254	485
continues for ten years and no longer, - - - - -	254	485
not allowed on judgment in action on judgment, - - - - -	254	485
property subject to, how levied on, - - - - -	270	488
MISCELLANEOUS.		
how affected by partition of lands, - - - - -	10	533
shall be established by evidence, - - - - -	18	534
for costs , in action for partition, allowed, when, - - - - -	46	538
of judgment on real property, when, - - - - -	27	548
of attorneys, - - - - -	15	584
BY MECHANICS AND OTHERS.		
party performing labor or furnishing materials, to have, - - - - -	1	589
workmen may obtain right to funds due employers, how, - - - - -	2	589
owner to furnish contractor with copy of papers served by sub-contractor, - - - - -	3	589
contractor considered as assenting to claim, when, - - - - -	3	590
disputed claims may be submitted to arbitration, - - - - -	4	590
owner may pay sub-contractor, when,—liable to extent of balance due, - - - - -	5	590
collusion between owner and contractor renders owner liable, - - - - -	6	590
account to be recorded in office of register of deeds, - - - - -	7	590
shall continue, how long, - - - - -	7	590
holder may bring action, to continue till action is terminated, - - - - -	8	590
when owner suspends progress of work, laborers may proceed, - - - - -	9	590
when rents and profits of building may be applied to satisfy, - - - - -	10	591
property bound by, may be leased, when, - - - - -	11	591
discharge of , how effected, - - - - -	12	591
holder of, may proceed by attachment, when, - - - - -	13	591
rights of executors and administrators, - - - - -	14	591
when satisfied, holder to file certificate thereof with register, - - - - -	15	591
on personal property,—property sold, when,—application of proceeds, - - - - -	16	592
carriers and bailees entitled to, - - - - -	17	592
affidavit to be used,—form of, - - - - -	18	592
LIEUTENANT GOVERNOR , salary, six dollars per day, - - - - -	1	93
LIFE ESTATE . See PARTITION OF REAL PROPERTY , - - - - -	—	522
changed to fee, when, - - - - -	9	344
for life of third person, how denominated, - - - - -	6	349
successive, how limited, - - - - -	17	350
how limited as remainder, - - - - -	21	350
how disposed of in case of sale of lands, - - - - -	17	534
may be set off or sold, - - - - -	23	535
LIMITATIONS OF ACTIONS , relating to taxes, - - - - -	154	189
by overseer of highways, to collect fine, - - - - -	19	193
for violations of game laws, - - - - -	6	222
damages under mill dam act, - - - - -	17	241
relating to lien on logs and timber, - - - - -	32	249
to recover real estate sold by executor or administrator, - - - - -	46	395
against master on indenture, - - - - -	12	405
for divorce, on the ground of adultery, - - - - -	9	410

MINNESOTA STATUTES 1866

	Sec. Page.
LIMITATIONS OF ACTIONS,	
title relating to time of commencing civil actions, - - - - -	— 450
to recover damages for injuries resulting in death, - - - - -	2 546
against heirs, devisees and legatees, - - - - -	16 547
boats and vessels, - - - - -	23 571
prosecution for disturbing public worship, must be commenced within sixty days, - - - - -	26 623
indictment for all offenses, except murder, shall be found within three years, - - - - -	18 647
LIMITATION OF TIME, within which act to be done shall be computed, - - - - -	68 459
LIMITED PARTNERSHIP, chapter relating to, - - - - -	— 236
how, and for what business formed, - - - - -	1 236
shall consist of general and special partners, - - - - -	2 236
business of, transacted by general partners only, - - - - -	3 236
persons forming, shall execute certificate, - - - - -	4 236
certificate of, how executed, - - - - -	5 236
same, shall be certified and recorded, - - - - -	6 236
affidavit of partner to be filed with certificate, - - - - -	7 237
not formed till certificate and affidavit are executed, - - - - -	8 237
certificate of, shall be published, - - - - -	9 237
affidavit of publication may be filed, - - - - -	10 237
renewal or discontinuance of partnership, how effected, - - - - -	11 237
dissolution of, what deemed, - - - - -	12 237
when deemed general partnership, - - - - -	12 237
business of, conducted under what style, - - - - -	13 237
actions concerning, by whom carried on, - - - - -	14 237
capital stock not to be withdrawn or reduced, - - - - -	15 237
business of, special partner may examine into, how, - - - - -	16 238
effect of improper interference by special partner, - - - - -	16 238
insolvency of, how affects sale or assignment of property, - - - - -	17 238
sale or assignment of property of general or special partner in contemplation of insolvency, void, - - - - -	18 238
when special partner making sale or assignment becomes general partner, - - - - -	19 238
insolvency of partnership, special partner may claim as a creditor, when, - - - - -	20 238
dissolution of, before time fixed in certificate, how effected, - - - - -	21 238
LINCOLN COUNTY, boundaries of, - - - - -	35 104
included in fourth judicial district, - - - - -	21 417
attached to McLeod county for judicial purposes, - - - - -	33 419
LIQUOR. See INTOXICATING LIQUORS, - - - - -	— 207
LIST, of grand and petit jurors, when and how made, - - - - -	98 117
if not made in January, may be made at any regular or special session, - - - - -	99 117
of property for taxation. See TAXES, - - - - -	— 152
left by overseers of highways, shall be delivered to supervisors, - - - - -	8 191
shall be completed by supervisors and filed with clerk, - - - - -	9 191
names of persons omitted, &c., shall be added, - - - - -	11 192
shall have word "paid" written against each tax paid, - - - - -	14 192
be returned to county auditor, by supervisors, - - - - -	28 194
LIST OF VOTERS, who shall make, - - - - -	5 55
what shall contain, - - - - -	5 55
shall be posted, - - - - -	5 55
how and when corrected, - - - - -	5 55
to be signed and attested, - - - - -	13 56
form of, - - - - -	16 57
where deposited, - - - - -	16 57
not required at town meeting, - - - - -	73 69
LOGS AND LUMBER, chapter relating to, - - - - -	— 242
surveyor of, to be elected annually in each district, - - - - -	6 243
when to be surveyed and by whom, - - - - -	11 244
allowance to be made for rotten and crooked stuff, - - - - -	12 244
rule for surveying, - - - - -	13 244
transfer of, how made, - - - - -	15 244
fees for surveying, - - - - -	16 245
surveyed on order of what party, - - - - -	18 246
property in, how evidenced, - - - - -	19 246
not to be surveyed unless marks thereon are recorded, - - - - -	20 247
number of feet surveyed to be reported to legislature, - - - - -	21 247
liens, mortgages, &c., to be recorded, - - - - -	22 247
logs shall not be cut till mark, to be put thereon, is recorded, - - - - -	23 247
mutilation or destroying marks on, how punished, - - - - -	24 247
purchase or secreting of logs so mutilated, &c., how punished, - - - - -	25 248
furnishing scale bill of logs so taken, &c., how punished, - - - - -	26 248
logs found in side booms, may be turned out, when, - - - - -	27 248

1870 - 133

MINNESOTA STATUTES 1866

GENERAL INDEX.

815

	Sec.	Page.
LOGS AND LUMBER , turning logs adrift or out of boom unlawfully, how punished,	28	248
lien on, who entitled to,	29	249
when held for,	32	249
attachment of, may be obtained,	33	249
may be sold to satisfy judgment,	34	250
lien on, how discharged,	38	250
rate of toll for sluicing, who may fix,	46	252
may be sold if toll is not paid,	47	252
LOGS, CONVERSION OF , title relating to,	—	250
rule for determining right of property in logs so intermingled that they cannot be identified,	39	250
rule in case of intermingled logs bearing the same mark, but belonging to different owners,	40	250
LOTTERIES , provisions relating to,	—	618
setting up or promoting, how punished,	1	618
selling tickets in, or offering to sell,	2	618
advertising tickets in,	3	618
making or selling fictitious tickets, &c.,	4	618
rule of evidence in such case,	5	619
fines, how recoverable,	11	619
LUMBER DISTRICTS , title relating to,	—	243
seven districts established,	4	243
first district, what constitutes,	5	243
second district, what constitutes,	5	243
third district, what constitutes,	5	243
fourth district, what constitutes,	5	243
fifth district, what constitutes,	5	243
sixth district, what constitutes,	5	243
seventh district, what constitutes,	5	243
LUNATIC , real estate of, may be sold, when,	51	396
bond to be given,	52	396
prosecuted, when,	53	396
application, how considered,	54	396
sale may be ordered, when,	55	396
real estate not to be sold, when,	56	397
report to be made to court,	57	397
sales, &c., valid, when,	58	397
court to make order concerning proceeds of sale—return to be made,	59	397
effect of sale, proceeds to be deemed real estate,	60	397
agreement in lieu of dower,	61	397
dower to be released,	62	397
LYCEUM may be incorporated,	54	273
articles shall be signed, containing what,	55	273
effect of filing articles,	56	274
no dividend or distribution until dissolution,	57	274
corporate powers,	58	274

M

MAGISTRATE , may issue warrant to apprehend person charged with crime,	2	632
of another county, may examine and let to bail, when,	4	632
taking bail, shall certify that fact on warrant,	5	633
may adjourn examination,	9	633
shall record default and certify papers to district court,	10	633
give order of commitment, when,	11	633
may keep witnesses separate during examination,	14	634
shall reduce testimony to writing,	15	634
discharge prisoner, when,	16	634
may fix amount of bail,	17	634
shall take bail, when, or commit,	18	634
require witnesses to recognize,	20	634
may allow married woman or minor to recognize, how,	21	634
shall commit witness failing to recognize,	22	634
may associate with himself another magistrate,	23	634
shall certify testimony and papers to district court,	24	634
require bail to justify in all cases,	32	635

MINNESOTA STATUTES 1866

816

GENERAL INDEX.

	Sec.	Page.
MAGISTRATE, how to proceed in case of arrest on bench warrant,	55	641
same, in case of arrest after indictment found,	10	649
taking bail, shall certify that fact on warrant, and deliver papers to officer,	11	649
MAIMING, punishment for,	31	600
assault with intent to maim, how punished,	32	600
cattle, &c., how punished,	39	608
MAJORITY, required to elect officers of the legislature,	10	72
may act, if all meet,	232	483
MALICIOUS INJURY, to dam, flume, canal, &c., how punished,	41	608
to bridge, road, culvert, &c., how punished,	42	608
fruit trees, fences, &c., how punished,	43	608
monuments, guide-boards, &c., how punished,	44	609
MANDAMUS, attorney general shall proceed by, against officers of bank to collect taxes		
when,	21	161
title relating to,	—	554
writ of, how regulated,	1	554
may issue how, effect of,	2	554
shall not issue if remedy at law is adequate,	3	554
to issue, on whose information,	3	554
kinds of—shall state what,	4	554
peremptory, when allowed in first instance,	5	555
court to indorse, how,	6	555
answer, when and how made,	7	555
on default, peremptory, to be allowed—issue, how tried,	8	555
pleadings in—proceedings, how governed,	9	555
damages recoverable, when,	10	555
court may impose fine, when,	11	555
jurisdiction over,	12	555
appeal,	13	555
MANOMIN COUNTY, boundaries of,	36	104
included in fourth judicial district,	21	417
attached to Hennepin county for judicial purposes,	33	417
MANSLAUGHTER, killing of a human being is, when,	3	599
trial for, verdict of not guilty, when,	7	598
in first degree, what, (and next two sections,)	8	598
second degree, what, (and next three sections,)	11	598
third degree, what, (and next five sections,)	15	599
fourth degree, what, (and next section,)	21	599
first, second and third degrees, how punished,	23	599
fourth degree, how punished,	24	599
forms in indictment for,	2	643
MARKS, on logs, shall be recorded, or logs cannot be scaled by surveyor general,	20	247
shall be recorded before logs are cut,	23	247
effect of such record,	23	247
may be sold or transferred,	23	247
mutilation of—penalty,	24	247
MARKS OR BRANDS, person using, may have recorded,	159	126
penalty for using those of another person,	49	609
altering or destroying those of another, how punished,	49	609
MARRIAGE, of executrix, extinguishes her authority,	8	368
administratrix, extinguishes her authority,	13	371
female guardian, extinguishes her authority,	26	403
ward, terminates the guardianship,	27	403
is a civil contract,	1	406
who may contract marriage,	2	406
persons prohibited from contracting,	3	406
by whom solemnized,	4	406
ministers, before authorized to perform ceremony, to file copy of credentials,	5	406
parties to marriage may be examined under oath,	6	406
license shall be obtained, when and where,	7	406
clerk of district court to make inquiry before granting license,	8	406
consent of parents to be obtained when parties are under age,	8	407
clerk's fee,	8	407
penalty for unlawfully granting license,	8	407
no particular form of, necessary,	9	407
two witnesses required,	9	407
certificate to be given to parties if required,	10	407
person solemnizing, to make record, and give certificate to clerk of court,	11	407
certificate to be recorded,	11	407
penalty for failure to deliver and record certificate,	12	407

MINNESOTA STATUTES 1866

GENERAL INDEX.

817

	Sec.	Page.
MARRIAGE , penalty, for solemnizing marriage contrary to law, or making false certificate,	13	407
unauthorized persons attempting to join others in marriage,	14	407
when not void, though person officiating not authorized,	15	407
among Quakers,	16	408
of parents of illegitimate children, legitimatizes children,	17	408
void , when,	1	408
when void from time of decree of nullity,	2	409
action to annul , when brought,	3	409
when it shall not be declared void,	4	409
when not, at suit of party capable of contracting,	5	409
fact of , proved by certificate, record, or copy, &c.,	88	530
same, proved by general repute, cohabitation, &c.,	89	531
MARRIED WOMAN , property of, by whom listed for taxation,	4	155
may convey real estate, how,	2	328
not bound by covenant in deed,	2	328
minority of, not to affect validity of deed,	2	238
general and beneficial power of disposition may be given to,	8	344
special and beneficial power may be given to,	15	344
may execute power how,	38	346
create estate, when,	56	347
make, alter, or revoke will, when,	1	356
bar downer, by deed,	13	362
ceases to be executrix,	8	368
administratrix,	13	371
guardian,	26	403
ward,	27	403
how affected by statute of limitations,	17	452
may be party to actions, how,	29	453
bring action for seduction of daughter, when,	32	454
same, for injury to child,	33	454
may prosecute or defend actions in name of husband, when,	34	454
may hold property , when and how,	1	499
right of disposal,	1	499
schedule of her property, to be recorded,	1	499
time within which schedule shall be recorded,	1	500
conveyances, to sole and separate use of,	2	500
conveyance to, must be recorded,	2	500
entitled to rents, issues and profits, of separate estate,	3	500
has same powers, and subject to same liabilities as to separate estate, as feme sole,	3	500
right of husband in her property, after her death,	4	500
abandonment of, by husband, effect of,	5	500
contracts made by, after abandonment by husband and license from judge of probate,	5	500
husband not liable for tort of wife, while doing business in her own name,	5	501
when entitled to her wages,	6	501
payment to her and taking her receipt, valid,	6	501
property of, not subject to debts of husband, by this chapter,	7	501
entitled to use of capital now invested in business,	8	501
capital of, invested in business, and the income thereof, not liable for debts of husband,	8	501
schedule of her property to be recorded in separate book,	9	501
may release interest in property to husband, when,	30	536
be guilty of arson, though property burned belongs to her husband,	7	603
MARTIN COUNTY , boundaries of,	37	104
included in sixth judicial district,	23	417
MASTERS, APPRENTICES AND SERVANTS , chapter relating to,	—	403
who may be bound as apprentices,	1	404
who may bind,	2	404
consent of minor to be expressed in indenture, when,	3	404
minors shall be bound by indenture,	4	404
age of minor to be inserted in indenture,	5	404
indenture shall contain, what,	6	404
moneys, &c., paid by master, to be secured to minor,	7	404
who may inquire into treatment of apprentice,	8	404
complaint for misconduct of master, how made and determined,	9	404
what judgment may be rendered,	10	404
costs, how awarded and recovered,	11	404
master liable to action,	12	405
damages recovered belong to apprentice,	13	405
apprentice may be discharged from service, when,	14	405
power of court to direct money to be refunded, and securities canceled,	15	405

MINNESOTA STATUTES 1866

818

GENERAL INDEX.

	Sec.	Page.
MASTERS, APPRENTICES AND SERVANTS, death of master discharges apprentice,	16	405
provisions of chapter apply to mistresses,	17	405
father's common law right to assign child's labor, not affected,	18	405
MATERIAL ALLEGATION, not denied, taken as true,	99	463
MAYOR OF CITY, entitled to copy of laws,	33	83
duty of, in case of riot,	1	616
penalty for neglecting to perform duty,	3	617
McLEOD COUNTY, boundaries of,	38	104
included in fourth judicial district,	21	417
MEASURES. See WEIGHTS AND MEASURES,	—	223
MECHANICS LIENS. See LIENS,	—	589
MEDICAL SOCIETIES, may become incorporated,	54	273
they shall adopt and sign articles, containing what,	55	273
effect of filing articles,	56	274
no dividend or distribution until dissolution,	57	274
corporate powers,	58	274
MEEKER COUNTY, boundaries of,	39	105
included in fourth judicial district,	21	417
MEETINGS OF CORPORATIONS, first, how called,	156	291
how called when there is no officer authorized to call,	157	291
MEMBERS OF CONGRESS, when elected,	1	54
abstracts of votes for, how made and where sent,	22	59
returns opened, when and by whom,	23	59
proceedings in case of a tie,	23	59
number to be elected,	1	69
MILITIA. See NOTE,	—	189
MILLE LACS COUNTY, boundaries of,	40	105
included in seventh judicial district,	24	417
MILLS AND MILLDAMS. See DAMS AND MILLS,	—	239
MINISTER, shall give notice of election in religious corporation,	70	276
notice of election of trustees and appoint time and place,	80	277
salary of, how fixed,	84	278
shall give certificate of appointment of trustees,	88	278
when a trustee may with others execute certificate,	89	278
effect of certificate,	89	278
may perform marriage rite,	4	406
shall file copy of certificate with clerk of court, before performing marriage rite,	5	406
may examine parties under oath,	6	406
MINNESOTA, DEAF, DUMB AND BLIND INSTITUTE, where located,	17	296
how controlled,	18	296
who shall compose board of directors and their term of office,	18	296
board shall annually elect from their own number, officers,	19	297
powers of directors,	20	297
treasurer—duties and compensation of,	21	297
directors—compensation of,	22	297
treasurer shall give bond,	23	297
money, how drawn,	24	297
what persons entitled to instruction and on what terms,	25	297
board of directors to make report which shall show—what,	26	297
MINORS, property of, who shall list, for taxation,	4	155
may have action against guardian for not paying taxes, when,	106	181
redem lands sold for taxes, when,	130	185
when paupers may be apprenticed by county commissioners,	16	206
notice of meeting of commissioners to assess damages for right of way on lands		
of, how served,	18	266
payment of damages in such case, how made,	21	266
guardian of, to be appointed, on partition of estate,	14	387
who are,	2	399
may appoint guardian, when,	3	400
before justice of the peace of city or town clerk, when,	4	400
education of, may be defrayed out of his own estate, when,	22	402
marriage of female minor terminates guardianship,	27	403
may be bound, apprentices,	1	404
damages recovered in action against master, belong to minor,	13	405
action, how instituted by, in justice's court,	16	424
same, how prosecuted against, in same court,	17	424
shall appear by guardian in district court,	30	453
cannot be witnesses, when,	9	520
court may examine as to competency to be witnesses,	14	521

892-75

1868-48

1870, 7412

MINNESOTA STATUTES 1866

GENERAL INDEX.

819

	Sec. Page.
MISDEMEANOR , judge of election, guilty of, when,	18 58
person, voting in election district where he does not reside, guilty of,	57 66
advising one not qualified to vote, guilty of,	61 67
attempting to influence votes by threats, &c.,	63 67
county officers publishing false statement of county affairs, guilty of,	145 124
register of deeds, recording instrument not properly executed, guilty of,	161 127
sheriff failing to pay over money collected, guilty of,	170 128
not keeping prisoners securely, guilty of,	175 128
person violating regulations of board of health, guilty of,	52 145
town clerk neglecting to make return to clerk of court, guilty of,	68 147
bringing paupers into any county unlawfully,	18 208
driving away estray when taker up is not in default,	14 218
exercising duties of office after term expires, by notary,	6 230
definition of,	2 593
willful neglect of duty and misbehavior in office is,—how punished,	8 594
grand juror guilty of, when,	47 640
MISPRISON OF TREASON , how punished,	3 596
MISSIONARY SOCIETIES , may become incorporated,	54 273
they shall adopt and sign articles containing, what,	55 273
effect of filing articles,	56 274
no dividend or distribution until dissolution,	57 274
corporate powers,	58 274
MISTRESS , of apprentices, provisions as to master, apply to,	17 405
MODERATOR , at town meeting, shall be chosen,	19 141
shall state business and declare result,	20 141
make proclamation of opening of polls, &c.,	24 142
MONONGALLIA COUNTY , boundaries of,	41 105
included in fourth judicial district,	21 417
attached to Meeker County for judicial purposes,	33 419
MORRISON COUNTY , boundaries of,	42 105
included in seventh judicial district,	24 417
MORTGAGE , record of assignment of, not notice to mortgagor,	24 331
term "purchaser," defined,	25 331
term "conveyance," defined,	26 331
scroll or device same effect as seal,	31 331
must be duly executed to be entitled to record,	32 332
grantor to make known existence of incumbrance,	34 332
liable to action of contract—when,	35 332
how discharged,	36 332
power to lease, bound by,	18 345
effect of, on person,	19 345
interest in mortgaged premises, personal assets,	11 373
proceedings on redemption or sale of premises, by executor,	12 374
action to foreclose, must be commenced, when,	11 451
homestead exemption, not to extend to,	2 498
of homestead, invalid without signature of wife, unless given to secure freedom money,	2 498
not to be deemed conveyance, so as to entitle mortgagee to possession,	11 540
<i>See FORECLOSURE OF MORTGAGES</i> ,	— 561
MOTION , state may make, for judgment against treasurer,	31 89
for order on sheriff to pay over money,	170 128
to vacate writ of attachment, made, when,	140 469
for leave to file supplemental complaint,	158 472
injunction, how made,	184 475
appointment of receiver, made, when,	189 476
to postpone trial for absence of evidence, how made,	204 478
heard, when,	226 481
for new trial, how and where made,	235 483
to dismiss action, made, when,	242 484
restrain waste, allowed, when,	296 492
obtain security for costs,	19 497
stay of proceedings or dismissal of action,	20 497
set aside indictment,	1 650
same, heard, when,	3 650
MOWER COUNTY , boundaries of,	43 105
included in fifth judicial district,	22 417
MURDER , degrees and punishment of,	2 597
in second degree, what, (and next section,)	25 600
assault with intent to commit, how punished,	32 600
assault with intent to commit, while armed with dangerous weapon, how punished,	35 601

MINNESOTA STATUTES 1866

820

GENERAL INDEX.

1868-129

	Sec.	Page.
MURDER, assault with intent to commit, how punished in absence of special provision for punishment,	45	602
forms in indictment for,	2	642
MURRAY COUNTY, boundaries of,	44	106
included in sixth judicial district,	23	417
attached to Brown county for judicial purposes,	33	419
MUTUAL INSURANCE COMPANIES, notes to be a lien on real estate,	53	273
county attorney shall examine into financial condition of,	53	273

1871-87

N

NAME, of town, how selected,	3	139
two or more towns not to have same,	6	139
of woman, divorced, may be changed by court,	29	412
defendant not being known, any, may be made usc of,	8	422
common, persons using, may be sued, by,	37	454
fictitious, defendant may be indicted by,	5	645
defendant, when arraigned, shall be asked to give,	16	649
giving another, it shall be inserted in indictment,	17	650
NEW TRIALS, title relating to,	—	483
for what causes granted,	235	483
application for, how made,	236	483
bill of exceptions or case, how served and settled,	237	483
to recover real property, who may have,	5	539
judgment in case of, how entered,	6	539
NICOLLET COUNTY, boundaries of,	45	106
included in sixth judicial district,	23	417
NOBLES COUNTY, boundaries of,	46	106
included in sixth judicial district,	23	417
attached to Martin county for judicial purposes,	33	419
NORMAL SCHOOLS. See STATE NORMAL SCHOOLS,	—	314
NOTARIES PUBLIC, chapter relating to,	—	229
appointed by governor,	1	229
shall hold office for two years—give bond and take oath,	2	229
provide seal, with proper device,	3	229
may administer oaths, certify depositions, take acknowledgments, and make out and record protests,	4	230
shall have commission recorded by clerk of court,	5	230
exercising duties of office after term expires, penalty,	6	230
being banker or broker, shall not act officially in matters relating to banking business, &c.,	7	230
shall protest notes, &c., how, and make record,	8	230
instrument of protest of, receivable as evidence,	9	230
may compel witness to testify, punish for contempt, &c.,	10	230
taking illegal fees, &c., may be removed from office,	11	231
protesting bank bills, shall certify, what,	16	256
fees of,	14	508
shall set up table of fees in his office,	29	511
penalty for neglecting to set up table of fees,	29	511
may take acknowledgments,	8	517
take and certify depositions,	9	517
oaths and affidavits taken before, out of the state, may be used as evidence,	35	524
NOTICE, ELECTIONS.		
of election, what to contain,	4	54
form of,	4	54
of time and place of correcting poll list,	5	54
contested election, what shall contain,—how and when served,	46	64
copies of, to be sent to legislature,	48	64
in case of contesting vote to remove county seat or change county lines,	52	65
TOWN MEETINGS.		
of first town meeting, how given,	4	139
annual town meeting, how given,	12	140
special town meeting, how given,	17	141
such notice shall specify, what,	18	141
of election to town office, how given,	31	142
regulations of board of health, to be given,	53	195
to owner of property, to remove nuisance,	54	195

Notes filing of 1873-185

MINNESOTA STATUTES 1866

GENERAL INDEX.

821

		Sec. Page.
NOTICE, of sale of animals impounded,	83	149
TAXES.		
statement of property to be taxed, required,	26	162
amounts assessed on each person,	26	162
meeting of county board of equalization,	26	162
amount of tax, &c., to be posted and published,	87	178
day when county treasurer will attend in each township to receive taxes,	87	178
legal proceedings to be given to delinquent tax payer,	93	179
HIGHWAYS.		
time and place to work on highway,	12	192
laying out road, to be given,	35	195
petition for laying out and extending into two or more towns,	59	198
PARTITION FENCES.		
viewing partition fence,	3	213
assignment of share of partition fence,	5	213
locating fence, when brook, &c.,	11	214
of owner, of intention not to improve,	19	214
ESTRAYS, ETC.		
of taking up, posted where,	1	216
description of estray, to be filed,	2	216
town clerk shall enter notice in book,	3	216
of taker up, to fence viewers, when given,	4	216
description of estray, &c., to be filed, when,	6	216
sale of estray, posted where,	7	216
to fence viewers, to appraise value of keeping estray,	8	217
of reception of property by consignees,	16	218
sale of unclaimed property by consignee,	18	218
sale of such property by constable,	21	218
sale by pound master of beasts distrained doing damage,	34	219
sale of such beasts by sheriff or constable,	35	220
MILL DAMS AND LOGS.		
meeting of commissioners to assess damages for right to erect mill dam,	5	239
same, how given,	6	239
application for license to erect dam for sluicing logs, how given,	44	251
sale of logs for non-payment of toll, how given,	47	252
BANK BILLS.		
by notary public, in protesting bank notes, shall certify what,	15	256
two years of final redemption by bank of circulating notes,	25	258
of statement of unclaimed interest and dividends,	35	259
what such statement shall contain,	36	260
to be given of final redemption of bills,	46	261
CORPORATIONS.		
of first meeting of commissioners appointed by district judge,—how given,—how served,	18	266
of election in religious corporation,—how given,	70	276
length of time notice shall be given,	70	276
number of times notice shall be given,	70	276
minister to give, of election of trustees,	80	277
clerk of trustees to give notice to minister,—what time,	80	277
how given to clect church warden,	90	279
of election of trustees of cemetery association,	104	282
by state treasurer, on revoking license of foreign insurance company,	123	286
of order to open gate,—how served,	140	289
SCHOOL DISTRICTS.		
formation of new school district, how signed and given,	7	300
of annual or special meetings of school districts,	18	301
meeting to form organization as independent school district,	55	308
PUBLIC LANDS.		
by commissioner of land office, of sale of school lands,— how given,	46	324
and proof of service in proceeding of foreclosure,	8	327
record of any instrument to be deemed,	28	331
IN PROBATE COURT.		
of probate of will, how given,	14	357
probate of foreign will, how given,	19	357
application for appointment of administrator, how given,	20	372
meeting of commissioners on deceased persons' estates,	3	376
appeal from commissioners, how given,	28	378
application to extend time, how given,	31	379
time limited for payment of debts,	41	380
examination of administration account, to be given,	14	383

MINNESOTA STATUTES 1866

822

GENERAL INDEX.

	Sec.	Page
NOTICE , of partition of estates of deceased persons, - - - - -	8	386
appointment of agent in such case, how given, - - - - -	14	387
petition to sell real estate, - - - - -	3	389
petition by guardian to sell real estate of ward, to be given, - - - - -	26	392
petition, on whom served, - - - - -	31	393
published how long, and served on whom, - - - - -	32	393
of time and place of sale to be given,—shall contain what, - - - - -	35	394
sale, proof of, to be filed and rendered, - - - - -	42	395
adjournment of sale of real estate, how given, - - - - -	44	395
IN JUSTICE'S COURT.		
taking depositions, - - - - -	48	428
application to set off judgments, - - - - -	60	429
sale of goods taken on execution, - - - - -	77	431
appeal in justice's court, - - - - -	104	435
IN DISTRICT COURT.		
summons, shall contain what, - - - - -	45	455
proof of service of, how made, - - - - -	53	457
of appearance by defendant, - - - - -	57	458
shall be in writing, - - - - -	58	458
service of, how made, - - - - -	59	458
same, by mail, - - - - -	60	458
how regulated as to time, &c., - - - - -	61	458
on clerk or attorney, when, - - - - -	62	458
is valid, although certain omissions exist, - - - - -	64	458
shall be filed with clerk, - - - - -	65	458
publication of, how made, - - - - -	69	459
by defendant, that he excepts to sufficiency of plaintiff's sureties, - - - - -	118	465
of justification of sureties, how given, - - - - -	120	465
to defendant, in garnishee proceedings in justice's court, how given, - - - - -	148	470
same, district court, - - - - -	149	470
dispensed with, when, - - - - -	156	471
of levy of execution on personal property, - - - - -	274	489
sale of personal property on execution, - - - - -	285	490
penalty for omitting to give, - - - - -	286	490
same, for taking down or defacing, - - - - -	286	490
of intention to redeem, by creditor, - - - - -	292	491
TAKING DEPOSITIONS.		
of taking deposition of witness within the state, given, when, - - - - -	17	521
may be served on agent or attorney, - - - - -	18	521
service of, on either of several parties is sufficient, - - - - -	19	521
in what manner served, - - - - -	20	521
may be waived in writing, - - - - -	21	522
of proceedings to perpetuate testimony, given, how, - - - - -	27	524
to quit possession of leased premises, - - - - -	21	541
of foreclosure of mortgage, how given, - - - - -	5	563
shall specify what, - - - - -	6	563
NUISANCE , board of health may examine, - - - - -	52	145
owner ordered to remove,—penalty for neglect, - - - - -	54	145
board of health may remove, when, - - - - -	55	145
entry refused to examine,—proceedings, - - - - -	56	145
removed, how, - - - - -	57	145
definition of,—action to abate or enjoin, - - - - -	25	541
NUNCUPATIVE WILL , when may be made by soldiers and mariners, - - - - -	6	356

O

OATH , shall include affirmation, when, - - - - -	1	74
word "sworn" shall include word affirmed, - - - - -	1	74
FORMS.		
of judges of election, - - - - -	6	55
elector, when challenged, - - - - -	65	67
same, when challenge not withdrawn, - - - - -	67	68
coroner's jury, - - - - -	215	134
witness before coroner's jury, - - - - -	217	135
assessor to tax return, - - - - -	32	164
executors, et als., making sale of real estate, - - - - -	41	394

MINNESOTA STATUTES 1866

GENERAL INDEX.

823

	Sec.	Page.
OATH , of members of legislative and executive departments, and others, - - -	5	515
judicial officers, - - -	5	515
referees, commissioners, and others, - - -	5	515
of grand jury , - - -	5	515
of officer attending grand jury, - - -	5	516
of petit jurors , in civil cause, - - -	5	516
same, in criminal cause, - - -	5	516
of jurors in justice court, civil cause, - - -	5	516
same, in criminal cause, - - -	5	516
officer taking charge of petit jury in district or justice court, - - -	5	516
jury during recess of court, - - -	5	516
of witnesses , - - -	5	517
of interpreter, - - -	5	517
persons signing affidavits, verifications, and other papers, - - -	5	517
of attorneys , - - -	5	517
word "swear" omitted and "affirm" substituted, when, - - -	6	517
phrase "so help you God," omitted, when, - - -	6	517
in case of infidels, - - -	7	517
OF WHOM REQUIRED.		
of person listing property for taxation, - - -	7	156
person that he has no property to list, - - -	8	157
corporate officer listing property for taxation, - - -	16	159
officer of bank, making statement for taxation, - - -	17	160
persons giving testimony concerning property to be listed for taxation, - - -	27	163
assessor to return, - - -	32	164
assistant assessor, - - -	37	166
witness, before appraisers, - - -	31	220
office; of notary public, - - -	2	229
commissioners to assess damages under mill dam act, - - -	4	239
surveyor general of logs and lumber, - - -	8	243
commissioners on estates, - - -	10	376
executors and administrators, as to their accounts, - - -	10	383
every person elected or appointed to any public office, - - -	1	514
WHO MAY ADMINISTER, AND HOW.		
judges of election to each other, and to clerks of election, - - -	6	55
same, to person offering to vote, - - -	65	67
state auditor to persons presenting claims, - - -	19	87
assessor to person listing property for taxation, - - -	7	156
same, to person claiming no property to list, - - -	8	156
assessor, to persons giving testimony concerning value of property for taxation, - - -	27	163
county auditor to assessor, - - -	32	164
appraisers of damages done by beasts distrained, to witnesses, - - -	31	220
commissioners on estates, to parties and witnesses, - - -	10	376
judge of probate, to executors, et als., - - -	10	383
in absence of other provision, who may administer oaths of office, - - -	2	515
who may administer generally, - - -	3	515
in what manner administered, - - -	4	515
affirmation allowed, when, - - -	11	521
mode most binding to be used, - - -	12	521
believer in other than the Christian religion, to be sworn, how, - - -	13	521
FILING AND RECORDING.		
of county commissioner, to be indorsed on certificate of election, - - -	91	116
in counties not divided into towns, to be filed with register of deeds, - - -	109	118
of county auditor, to be indorsed on bond, - - -	112	119
county treasurer, to be indorsed on certificate of election, - - -	126	121
register of deeds, to be indorsed on certificate of election, - - -	153	125
deputy register, to be indorsed on appointment, and recorded in office of register, - - -	158	126
sheriff, shall be indorsed on his certificate of election, - - -	165	127
deputy sheriff, to be recorded in office of register of deeds, - - -	179	129
county attorney, shall be filed in office of clerk of district court, - - -	180	129
judge of probate, to be recorded in the office of register of deeds, - - -	188	131
clerk of judge of probate, to be recorded, - - -	192	131
court commissioner, shall be recorded, - - -	195	131
county surveyor, - - -	199	132
coroner, to be recorded, - - -	207	133
deputy coroner, shall be recorded, - - -	223	136
clerk of district court, shall be recorded, - - -	225	136
deputy clerk, shall be recorded, - - -	228	136
town officers, taken when, - - -	34	143
shall be filed with town clerk, - - -	35	143

MINNESOTA STATUTES 1866

824

GENERAL INDEX.

	Sec. Page.
OATH, effect of neglect to file oath, - - - - -	36 143
of constable, when to be taken, - - - - -	40 143
justice of the peace, when to be taken, - - - - -	41 143
OBJECTIONS, may be taken to pleadings in justice's court, - - - - -	31 425
to jurisdiction of court, not waived on appeal, because not made before justice, -	107 435
grounds of, to be stated in demurrer, - - - - -	75 460
to complaint, taken by answer, when, - - - - -	77 460
same, waived, when, - - - - -	78 460
to taxation of costs must be in writing, - - - - -	8 496
indictment, waived by not moving to dismiss, - - - - -	2 650
OBSCENE BOOKS, printing or selling, how punished, - - - - -	11 621
OFFENSES, what not indictable, - - - - -	157 443
divided into felonies and misdemeanors, - - - - -	1 593
accessory to, punished as principal, - - - - -	3 593
attempt to commit, how punished, - - - - -	7 593
second or subsequent, how punished, - - - - -	13 594
lowest degree of, defendant can only be convicted of, in case of doubt, - - - - -	3 595
acquittal of, bar to second indictment, when, - - - - -	5 595
same, not a bar, when, - - - - -	6 595
person held to answer for, discharged, when, - - - - -	7 595
defendant indicted for, discharged, when, - - - - -	8 595
against the sovereignty of the state, - - - - -	— 596
against life and person, - - - - -	— 597
against property, - - - - -	— 602
of forgery and counterfeiting, - - - - -	— 610
against public justice, - - - - -	— 613
against the public peace, - - - - -	— 616
against public policy, - - - - -	— 618
against chastity, morality and decency, - - - - -	— 620
against the public health, - - - - -	— 624
persons charged with, who may issue process to apprehend, - - - - -	1 632
what, are bailable, - - - - -	17 634
what, are cognizable by grand jury, - - - - -	27 638
committed on board vessel, where indictable, - - - - -	19 647
on boundary lines between counties, indictable, where, - - - - -	20 647
in one county, and party injured dying in another, indictable, where, - - - - -	21 647
without the state, and party injured dying within the state, indictable, - - - - -	22 647
where, - - - - -	22 647
OFFER OF JUDGMENT, by defendant, effect of making, - - - - -	241 484
OFFICE, term of, commences when, in case of county officers, - - - - -	42 64
same, in case of vacancy, - - - - -	43 64
town, who are eligible to, - - - - -	33 143
forfeited by neglect to complain of violation of liquor laws, - - - - -	14 209
notary public, taking illegal fees therefor, ineligible to, - - - - -	11 231
usurpation of, action to prevent. <i>See ACTIONS TO VACATE CHARTERS, ETC.,</i> - - - - -	— 551
person fighting duel without the state or acting as second, incapable of holding, - - - - -	27 600
same, fighting duel or sending challenge, incapable of holding, - - - - -	28 600
repeal of statutes not to affect tenure of, - - - - -	8 676
OFFICER, shall not take illegal fees, - - - - -	172 128
making arrest in one county, may pass through others, - - - - -	176 129
shall make complaint of violation of liquor laws, - - - - -	14 209
holding execution against stockholder, how to proceed, - - - - -	11 265
action against, when brought, - - - - -	7 451
in name of, for benefit of state, brought when, - - - - -	12 451
shall give certificate of service of summons, - - - - -	53 457
approving sureties, shall indorse approval on bond, - - - - -	124 466
shall execute writ of attachment, how, - - - - -	134 467
of corporation garnished, may make disclosure, - - - - -	152 471
serve copy of execution and inventory on defendant, - - - - -	275 489
return inventory with execution, - - - - -	276 489
may levy on exempt property, when, - - - - -	282 490
duties in such case, - - - - -	282 490
shall give notice of sale of property on execution, - - - - -	285 490
penalty of selling without notice, - - - - -	286 490
shall not be purchaser at sale of property on execution made by him, - - - - -	287 491
give certificate to purchaser, - - - - -	289 491
give certificate of redemption, - - - - -	294 492
certificate of, that instrument cannot be found, evidence, when, - - - - -	65 527
guilty of embezzlement in not paying over public money, - - - - -	26 606

868-127

872-141

MINNESOTA STATUTES 1866

	Sec. Page.
OFFICER , refusing to pay over public money not embezzlement, when,	29 606
shall not be allowed set-off, when,	30 607
voluntarily suffering prisoner to escape,	13 615
negligently suffering prisoner to escape,	14 615
willfully refusing to serve process, how punished,	15 615
taking reward for omitting to perform duty, how punished,	21 616
any person falsely assuming to be, how punished,	18 615
shall take measures to disperse riotous assemblages,	1 616
party refusing to obey, to be deemed a rioter,	2 616
neglecting to exercise authority, how punished,	3 617
may require aid to quell riot,	4 617
call out armed force to suppress riot,	5 617
held guiltless of death of rioter, when,	6 617
death of, all the rioters answerable for,	6 617
obtaining stolen property on search warrant, to keep same safely, &c.,	4 625
what, may examine offenders, commit for trial and take bail,	— —
arresting party for felony, how to proceed,	7 625
when no provision is made, party arrested shall be taken before magistrate issuing warrant,	8 633
shall summon grand jurors, when,	11 637
OFFICIAL SEALS , chapter relating to,	— 225
state seal, what is,	1 225
of court or officer, how engraved,	2 225
courts and officers, secretary of state to procure,	3 225
court of record, judge to provide temporarily,	4 225
notary public, provisions concerning,	5 226
OFFICIAL SECURITIES. See ACTIONS ON OFFICIAL SECURITIES,	— 550
OFFICIAL TRUSTS , chapter relating to,	— 336
corporate authorities or judge shall convey lands held in trust, when,	1 336
conveyance of such land, how executed,	2 336
notice of entry of lands to be given,	3 336
claimants shall file statement; effect of failure to do so,	4 337
adverse claims, how adjusted—action brought, when,	5 337
trial , evidence on; who deemed to have right to lands,	6 337
judge to summon adverse claimants, when,—proceedings on hearing,	7 337
appeal , by either party, as in civil actions,	7 337
corporate authorities may bring action,	8 338
complaint shall contain, what,	8 338
party failing to answer, barred,	8 337
adverse claimants, appearing, shall answer or disclaim,	8 338
expense , statement of, to be made, chargeable on lands,	9 338
party entitled to deed of land, to pay charges,	10 338
conveyances to be executed, when,	11 339
judge shall be seized of title to lands claimed by himself, without conveyance,	12 339
title , to date from time of entry,	13 339
costs , regulated and recoverable as in civil actions,	14 339
each person to convey according to his contract,	15 339
failing to do so, contract may be enforced,	15 340
successor of judge to complete execution of trust,	16 340
OLMSTED COUNTY , boundaries of,	47 106
included in third judicial district,	20 417
ORDER , of publication of summons, justice may grant, when,	13 423
of commitment for contempt, shall specify, what,	126 437
publication of summons, in action in district court, granted, when,	49 456
consolidating actions, made, when,	111 464
in garnishee proceedings, may be appealed,	180 475
allowing injunction, may be made,	181 475
to show cause why injunction should not issue, granted, when,	186 476
on party to make deposit, &c.,	190 476
to show cause, granted, when,	227 482
of reference, made, when,	228 482
for defendant to appear and answer concerning property,	299 493
of judge, applying property, &c.,	304 494
appointing a receiver of property of judgment debtor,	305 494
disobedience of, how punished,	307 494
appeal from, when taken,	6 576
same, in what cases allowed,	8 576
ORPHAN ASYLUM , powers and duties,	65 275
may take charge of destitute children, when,	66 275
shall possess powers as parents and guardians over children in their charge,	67 275

MINNESOTA STATUTES 1866

826

GENERAL INDEX.

	Sec.	Page.
OTTERTAIL COUNTY , boundaries of, - - - - -	48	106
included in seventh judicial district, - - - - -	24	417
attached to Crow Wing county, for judicial purposes, - - - - -	33	419
OVERSEER OF HIGHWAYS , in counties not divided into towns, how appointed—duties, 105	105	118
in towns, elected at annual town meeting, - - - - -	13	140
shall file notice of acceptance of office, - - - - -	37	143
vacancy in office of, how filled, - - - - -	45	144
shall keep roads in order, collect fines, and furnish list to town clerk, - - - - -	3	191
refusing to serve, effect of, - - - - -	4	191
neglecting to perform duties, penalty, - - - - -	6	191
shall have copy of list prepared by supervisors, - - - - -	10	192
give notice to persons assessed, to work on highways, - - - - -	12	192
may call out persons to repair road or bridge, - - - - -	13	192
shall give receipt for labor done in such case, - - - - -	13	192
receive commutation money and apply it on road, - - - - -	14	192
may require teams and tools, - - - - -	16	192
shall give credit to person furnishing same, - - - - -	16	192
make complaint to justice to recover fine, - - - - -	19	193
expend fine on roads and bridges, - - - - -	22	193
set off fine expended, against party's assessment, - - - - -	23	193
be entitled to what fees, - - - - -	25	193
deliver list furnished by supervisors, - - - - -	26	193
penalty for neglecting to deliver list, - - - - -	27	194
shall expend three-fourths of road tax before August, - - - - -	29	194
render account to supervisor, - - - - -	30	194
account shall contain, what, - - - - -	30	194
shall pay over unexpended moneys, - - - - -	31	194
penalty for neglecting to render account, - - - - -	32	194
in cities, shall be appointed by city council, - - - - -	58	198
OVERSEER OF POOR , of town, to be elected by ballot, - - - - -	25	142
of county, appointed by county commissioners, to hold for one year, - - - - -	7	203
shall give bond with sureties, - - - - -	8	203
have immediate charge and control of county poor, - - - - -	9	203
keep record of names, expenses, &c., and make report, - - - - -	9	203
receive paupers on order of county commissioners, - - - - -	11	204

P

PARDON , effect of, after divorce on ground of imprisonment, - - - - -	7	409
governor may grant, on conditions, - - - - -	1	666
officer executing warrant, to make return, - - - - -	2	666
PARENTS , order of liability to support pauper children, - - - - -	2	202
entitled to custody of children, and care of their education, - - - - -	5	400
may bind children apprentices, when, - - - - -	2	404
consent of, required to marriage of minor child, - - - - -	8	406
may sue for seduction of daughter, - - - - -	32	454
same, for injury of child, - - - - -	33	454
PARTIES TO ACTIONS , title relating to, - - - - -	—	453
must be real party in interest, - - - - -	26	453
assignee subject to set-off, when, - - - - -	27	453
executor, administrator, et als., may sue alone, - - - - -	28	453
married women may sue with husband, when, - - - - -	29	453
same, may sue alone, when, - - - - -	29	453
infant party shall appear by guardian, - - - - -	30	453
same, guardian, how appointed, - - - - -	31	453
seduction, who may prosecute for, - - - - -	32	454
injuries to infants, who may sue for, - - - - -	33	454
wife may prosecute or defend in name of husband, when, - - - - -	34	454
what persons may be joined in same action, - - - - -	35	454
death , marriage, or other disability of a party, does not abate action, - - - - -	36	454
persons doing business, may be sued by common name, - - - - -	37	454
actions between same parties may be consolidated, - - - - -	109	464
one party discharged and another substituted, when, - - - - -	111	464
death of, after verdict, or decision, judgment may still be entered, - - - - -	251	485
shall give acknowledgment of satisfaction of judgment, - - - - -	255	485
not originally summoned, may be summoned after judgment, - - - - -	256	486

MINNESOTA STATUTES 1866

GENERAL INDEX.

827

	Sec.	Page.
PARTIES TO ACTIONS, dying after judgment, heirs, devisees, or legatees, may be cited		
to show cause, &c.,	257	486
party summoned may answer, how,	260	487
issuing summons may demur, &c.,	261	487
dying after judgment, execution may issue, when,	267	488
may agree with attorney as to compensation,	1	495
prevailing , entitled to costs,	2	495
allowed disbursements in all cases,	17	497
competent witnesses, except defendant in criminal causes,	7	520
not allowed to testify, when,	8	520
PARTITION AND DISTRIBUTION OF ESTATES, chapter relating to,	—	385
children—under seven years of age to have allowance,	1	385
lands may be sold to raise money to support children,	2	386
sale , how made,	3	386
after payment of debts, court to assign residue, how,	4	386
decree in such case, made, when,	5	386
partition may be made, when,	6	386
proceedings when real estate lies in different counties,	7	386
partition may be ordered, when—notice of,	8	386
when shares have been conveyed,	9	387
shares, how set out,	10	387
when estate can not be divided, court may assign the whole to one of the parties,	11	387
estate to be divided in certain cases,	13	387
guardians to be appointed for minors, and agents for non-residents—notice,	14	387
report of commissioners, and proceedings thereon,	15	387
when partition may be dispensed with,	16	388
probate court to determine questions relating to advancement,	17	388
appeal may be taken by any person aggrieved,	18	388
partition conclusive, when,	19	388
expense of, how paid,	20	388
parties interested to pay expenses, when,	21	388
partition of reversion, made, when,	22	388
court may appoint agent of absent person, when,	23	388
agent to give bond—court to allow account and expenses,	24	388
PARTITION OF REAL PROPERTY, chapter relating to,	—	532
tenants in common, may have,	1	532
summons , to whom addressed,	2	532
complaint shall set forth, what,	3	532
how governed,	4	532
judgment to be rendered, when,	5	533
how rendered,	6	533
property, how divided, duty of referees,	7	533
power of court, effect of judgment,	8	533
who are not affected by the judgment,	9	533
lien , how affected,	10	533
fees and expenses, how ascertained and paid,	11	533
court may order property sold, when,	12	533
no sale allowed, when,	13	534
property not capable of division, may be set off or sold,	14	534
occupant liable to co-tenant, how,	15	534
rights of co-tenants in occupancy of premises, assigned—damages,	16	534
life estates , how disposed of in case of sale,	17	534
liens to be proved,	18	534
proceeds of sale, how applied,	19	534
sale not to be delayed, by what,	20	535
claims of parties to proceeds of sale, how determined,	21	535
sales , how made,	22	535
estates for life or years, may be set off or sold,	23	535
effect of sale on interest of tenant for life, in dower, &c., when,	24	535
gross sum allowed tenant in dower, &c., when,	25	535
amount which tenant in dower, &c., shall receive, how ascertained,	26	535
proportions of proceeds of sale to be invested, how ascertained,	27	535
court to protect rights of parties unknown,	28	536
value of inchoate and contingent rights, to be ascertained, &c.,	29	536
dower may be released to husband,	30	536
upon release, proceeds of sale to be paid to husband,	30	536
terms of sale announced, separate lots to be sold separately,	31	536
referees and guardians cannot purchase,	32	536
referees to make report of sale, report to be filed,	33	536

	Sec. Page.
PARTITION OF REAL PROPERTY , court confirming sale, may order referees to execute conveyances, &c.,	34 536
referees may take receipts of certain purchasers,	35 536
conveyance , to be recorded, effect of,	36 536
a bar against persons having general or specific lien,	37 537
proceeds of sale belonging to unknown person, to be paid into court and invested	38 537
investment of proceeds, made in name of clerk,	39 537
clerk shall receive interest and file securities,	40 537
when partition cannot be made equal, compensation allowed,	41 537
infant cannot be required to make, unless he has personal property,	41 537
guardian may receive proceeds,	42 537
consent to partition, and execute release,	44 537
state may be made a party to,	45 538
costs of, how paid,	46 538
PARTITION FENCES , chapter relating to,	— 212
what fence deemed legal and sufficient,	1 213
occupants of lands bound to maintain,	2 213
supervisors to examine, when,	3 213
repairing, value of, how ascertained,	4 213
controversy concerning, how to proceed,	5 213
party bound to build, neglecting, other party may build,	6 213
such party entitled to double the value of fence built,	6 213
divisions of, shall be recorded,	7 213
controversy concerning, supervisors to assign part to be erected or paid for, to each party,	8 213
shall be kept in good repair, unless occupants otherwise agree,	9 244
adjoining brooks, ponds, &c., how regulated,	11 214
on lands occupied in common, how divided,	12 214
supervisors may assign time to build,	13 214
when may be removed,	14 214
built on land previously uninclosed, how regulated,	15 214
running into the water to be built in equal shares,	17 215
between unimproved lands, to be kept up according to division on record,	18 215
obligation to keep up, when party may relieve himself from,	19 215
what is deemed lawful fence to enable any one to distrain beasts doing damage,	29 220
PARTNERSHIP . See LIMITED PARTNERSHIP ,	— 236
PASSPORT , Indian not to leave reservation without,	2 229
shall express what,	2 229
PATENTS , of land issued by U. S., may be recorded and used as evidence,	85 530
PAUPERS . See RELIEF OF THE POOR ,	— 201
PAYMENT OF DEBTS AND LEGACIES , chapter relating to,	— 375
commissioners appointed to examine and adjust claims,	1 375
what estate may be assigned to children, when,	2 375
commissioners to appoint time and place of meeting, and give notice,	3 376
publication of notice, how made,	4 376
commissioner not acting, another may be appointed,	5 376
time allowed for presenting claims,	6 376
may be extended, how long,	7 376
commission renewed and further time allowed, when,	8 376
set-offs —claims barred not to be allowed,	9 376
commissioners to be sworn, may administer oaths,	10 376
to make report,	11 376
powers of,	12 376
executor may pay debts when,	13 377
claims barred , when,	14 377
actions against executor or administrator, commenced, when,	15 377
proceedings in actions pending,	16 377
executor or administrator may commence action, when,	17 377
proceedings in such case,	18 377
joint debtor dying, estate, how liable,	19 377
appeal from report of commissioners, who may, when,	20 377
claimant appealing, shall give bond,	21 378
appellant to file certified copy of record,	22 378
proceedings in district court, on appeal,	23 378
final judgment , to be certified to probate court,	24 378
claim of appellant barred, when,	25 378
allowance affirmed, when,	26 378
person interested may appeal, when—bond to be given,	27 378
notice of appeal in certain cases, how given,	28 378

MINNESOTA STATUTES 1866

GENERAL INDEX.

829

	Sec. Page.
PAYMENT OF DEBTS AND LEGACIES, probate court shall limit time for paying debts,	29 378
may extend time,	30 378
notice of application to extend time, how given,	31 379
time may be extended when executor or administrator dies,	32 379
debts to be paid, when,	33 379
if assets are insufficient, debts shall be paid in what order,	34 379
debts to have no preference as to payment,	35 379
decree for payment and distribution, to be made, when,	36 379
suspended, when,	37 379
disputed claims, when settled, how paid,	38 379
further decree of distribution may be made,	39 380
executor or administrator, personally liable, when,	40 380
notice of time, limited for payment of debts, may be given,	41 380
creditor neglecting to demand debt or dividend, two years, barred,	42 380
contingent claims, how presented and paid,	43 380
becoming absolute, may be presented, &c.,	44 380
entitled to payment, when,	45 380
may be presented to probate court, when,	46 380
creditor may recover of heirs, when,	47 381
defence by executor or administrator, in certain actions,	48 381
if commissioners are not appointed, claimant not prevented from suing,	49 381
no action to be brought against executor or administrator, except as herein provided,	50 381
PEMBINA COUNTY, boundaries of,	49 107
included in seventh judicial district,	24 417
attached to Crow Wing county for judicial purposes,	33 419
PENALTY, for violation of town ordinances,	15 140.
RELATING TO TAXES.	
for neglecting to make list of property for taxation,	36 168
use of county, collected by county treasurer,	86 177
on personal property tax, after first day of February,	92 179
RELATING TO HIGHWAYS.	
for neglecting duties of overseer of roads,	6 191
each hour person assessed to work on highway is in default,	17 192
each day in default,	18 192
omitting to furnish tools, team, or driver,	18 192
failing to close, or injuring gate at entrance to cartway,	57 198
obstructing public highways,	68 199
driving across bridge faster than a walk,	71 199
RELATING TO GAME LAWS.	
killing elk, deer, &c., out of season,	1 222
selling venison out of season,	1 222
killing woodcock, grouse, &c., out of season,	2 222
killing harmless birds at any time,	3 222
entering growing crops with dogs, &c.,	4 222
catching trout out of season,	5 222
catching trout save with hook and line,	5 222
catching fish save in modes specified,	5 222
RELATING TO TOWN PLATS.	
selling lots before plat is made,	9 234
neglect of official duty relating to town plats,	10 234
RELATING TO LOGS AND BOOMS.	
not making sluiceway, in booms, &c., after notice, &c.,	3 242
mutilating or destroying marks on logs, &c.,	24 247
purchasing or secreting logs so mutilated,	25 248
giving scale list of logs so mutilated,	26 248
willfully opening booms, &c.,	28 248
RELATING TO BANKS AND BANKING.	
state auditor, for violation of provision for countersigning bills and notes,	17 256
for issuing illegal currency by officers of any bank, &c.,	32 259
false statement by any officer, &c., of any bank or banking association,	39 260
RELATING TO CORPORATIONS.	
for neglect of railroad corporations to stop at passenger stations,	34 269
violation of provisions relating to banks and banking,	43 260
diversion of corporate property,	44 271
failure of actuary to keep register of burials,	100 281
injury to monuments, &c.,	108 282
violation of provisions concerning foreign insurance companies,	125 286
if plank and turnpike roads exceed limits of indebtedness,	137 289

MINNESOTA STATUTES 1866

830

GENERAL INDEX.

	Sec.	Page
PENALTY , for not obeying order to open gate, - - - - -	143	290
for delaying traveler, or taking illegal toll, - - - - -	146	290
obstructing road, - - - - -	151	290
willfully running gate, - - - - -	152	291
RELATING TO SCHOOLS AND PUBLIC LANDS.		
neglect to accept office in school district when duly elected, - - - - -	9	300
if county auditor shall fail to report to state superintendent,—what, - - - - -	22	302
trustees expel a scholar from school without sufficient cause, - - - - -	33	305
for willful trespass on school lands, - - - - -	32	321
for trespass on state lands, - - - - -	34	322
for not appearing as witness in certain cases, - - - - -	17	330
RELATING TO ESTATES.		
neglecting to present will for probate, - - - - -	12	357
embezzling or alienating property of estate, - - - - -	10	371
fraudulent sale of real estate by executor, et als., - - - - -	50	396
RELATING TO MARRIAGE.		
unlawfully issuing marriage license, - - - - -	8	407
failure to deliver and record marriage certificate, - - - - -	12	407
unlawfully solemnizing marriage, or making false certificate, - - - - -	13	407
unauthorized person attempting to perform marriage rite, - - - - -	14	407
cohabiting after divorce, - - - - -	28	412
RELATING TO PROCESS.		
failure to execute process, - - - - -	15	424
action for, when to be brought, - - - - -	8	451
MISCELLANEOUS.		
against officers neglecting to set up table of fees, - - - - -	29	511
for taking illegal fees, - - - - -	32	511
against officer refusing to make out particular account of fees, - - - - -	37	511
for failing to obey subpoena, - - - - -	4	520
actions for, how brought, - - - - -	7	550
for refusal to grant writ of habeas corpus, - - - - -	27	558
disobedience to writ of habeas corpus, - - - - -	30	558
disobedience to order of discharge on habeas corpus, - - - - -	44	560
transfer or concealment of person, on habeas corpus, refusing copy of order, &c., - - - - -	46	560
refusing to deliver copy of order, process, &c., - - - - -	47	560
deceit or collusion by attorneys, and for permitting process to be sued out in his name, - - - - -	6	583
allowing person to sue out process, &c., in his name, - - - - -	7	583
violation of duty by sheriffs and jailors, - - - - -	14	669
furnishing prisoners liquor, - - - - -	15	669
escaping from jail when under sentence to state prison, - - - - -	21	670
same, when sentenced to jail, - - - - -	22	670
when detained for trial for capital offense, - - - - -	23	670
PERISHABLE PROPERTY , in hands of consignee, and unclaimed, sold, when, - - - - -	27	219
attached, sold on order of justice, - - - - -	97	434
same, sold by sheriff, when, - - - - -	136	468
PERJURY , provisions relating to, - - - - -	—	613
by witness in court, how punished, - - - - -	1	613
definition of, - - - - -	2	613
subornation of, how punished, - - - - -	3	613
inciting person to commit, - - - - -	4	613
witness appearing to have committed, may be required to recognize, - - - - -	5	613
copies of papers served in such cases, - - - - -	6	613
forms in indictment for, - - - - -	2	645
indictment for, sufficient, when, - - - - -	16	647
PERPETUATION OF TESTIMONY , of witnesses within the state, title relating to, - - - - -	—	524
same, out the state, title relating to, - - - - -	—	525
PERSON , may include bodies politic and corporate, - - - - -	1	74
includes firm, company and corporation, - - - - -	11	158
PERSON ACCUSED , rights of, chapter relating to, - - - - -	—	595
PERSONAL PROPERTY , includes what, for purposes of taxation, - - - - -	2	154
shall be valued at its true value in money, - - - - -	9	157
distrained for taxes, when, - - - - -	91	179
claim and delivery of , title relating to, - - - - -	—	464
subject to attachment, - - - - -	133	467
how attached, - - - - -	134	467
mortgaged, subject to garnishment, - - - - -	166	473
exempt from attachment or sale, - - - - -	279	489
PETIT JURIES , - - - - -	—	512
defined, - - - - -	1	512

MINNESOTA STATUTES 1866

GENERAL INDEX.

831

	Sec.	Page.
PETIT JURIES , number to be drawn for each term, - - - - -	2	512
qualifications and disabilities, - - - - -	3	512
how drawn and summoned, - - - - -	4	512
judge may order larger number to be drawn, when, - - - - -	5	512
ballots, how prepared and deposited, - - - - -	6	513
proceedings on trial of indictment, - - - - -	7	513
ballots , how drawn, - - - - -	8	513
how kept, - - - - -	9	513
returned-to box, when, - - - - -	10	513
of juror absent or excused, how disposed of, - - - - -	11	513
court may cause talesmen to be summoned, when, - - - - -	12	513
talesmen , how returned, - - - - -	13	513
qualification of talesmen, - - - - -	14	513
oath of , in civil cases, - - - - -	5	516
in criminal cases, - - - - -	5	516
officer taking charge of, in district and justice court, - - - - -	5	516
taking charge of, during recess of court, - - - - -	5	516
STRUCK JURIES.		
how obtained, - - - - -	15	513
when sheriff is interested, court may name some person to strike the jury, - - - - -	16	514
party asking for, to pay fees, - - - - -	17	514
may be continued, when, - - - - -	18	514
limitation of provisions of this title, - - - - -	19	514
PEW , deed of, may be recorded by register of deeds or clerk of society, - - - - -	22	331
PHYSICIAN , cannot in civil cause, be compelled to testify, in certain cases, - - - - -	10	521
intoxicate + prescribing poison, &c., how punished, - - - - -	20	599
PINE COUNTY , boundaries of, - - - - -	50	107
872-105 included in first judicial district, - - - - -	18	417
attached to Chisago county for judicial purposes, - - - - -	33	419
PIPESTONE COUNTY , boundaries of, - - - - -	51	107
included in sixth judicial district, - - - - -	23	417
attached to Brown county for judicial purposes, - - - - -	33	419
PLAINTIFF shall give security for costs, when, - - - - -	9	423
may make supplemental complaint or reply, - - - - -	108	464
claim and recover any rate of damages, - - - - -	238	484
accepting offer of judgment, shall proceed, how, - - - - -	241	484
shall pay costs to defendant, when, - - - - -	241	484
entitled to costs, when, - - - - -	2	495
to give bond for costs, when, - - - - -	19	497
neglecting to file bond, proceedings may be stayed, - - - - -	20	497
in execution, when-dissatisfied with homestead, may have survey made, - - - - -	4	498
PLANK ROAD AND TURNPIKE COMPANIES , - - - - -	126	286
what sections of title one apply, - - - - -	126	286
road, where constructed—payment first to be made, - - - - -	127	287
may take necessary land, by purchase or gift, - - - - -	128	287
obtain use of public road, - - - - -	128	287
survey shall be acknowledged and recorded, - - - - -	129	287
compensation and damages for land taken, how ascertained, - - - - -	130	287
every plank road at least four rods wide, constructed how, - - - - -	131	288
every turnpike—width and construction, - - - - -	132	288
toll gates , and rate of toll, - - - - -	134	288
persons exempt from paying toll, - - - - -	135	288
location of toll gate may be changed, - - - - -	136	288
limit of debts, - - - - -	137	289
directors to make annual report, - - - - -	138	289
town supervisors are road inspectors, their powers and duties, - - - - -	139	289
notice of order to open gate, how served, - - - - -	140	289
gate to remain open till town supervisors grant certificate, - - - - -	141	289
when part of road is in adjoining county—proceedings, how taken, - - - - -	142	289
appeal from refusal to grant certificate, - - - - -	142	290
penalty for not obeying order to throw open gate, - - - - -	143	290
fees of supervisors and district judges, - - - - -	144	290
fees, paid by whom, - - - - -	145	290
penalty for delaying traveler, or taking illegal toll, - - - - -	146	290
judgment against toll-gatherer, how collected, - - - - -	147	290
printed list of rates of toll to be posted up, - - - - -	148	290
persons not paying toll may be detained, - - - - -	149	290
liable for damages, when, - - - - -	150	290
penalty for obstructing road, - - - - -	151	290

MINNESOTA STATUTES 1866

832

GENERAL INDEX.

		Sec.	Page.
PLANK ROAD AND TURNPIKE COMPANIES , penalty for willfully running gate,	152	291	
cease to be body corporate, when,	153	291	
subject to visitation by legislature,	153	291	
power of legislature over,	154	291	
PLAT BOOKS , county auditor shall make and deliver to assessor,	44	168	
PLATS of surveys, evidence, when,	86	530	
PLEADINGS ,			
IN JUSTICE'S COURT.			
must take place, when,	21	424	
consist of complaint, answer and reply,	22	424	
may be oral or in writing,	23	425	
complaint shall state, what,	24	425	
answer shall contain, what,	25	425	
reply allowed, when,	26	425	
what statement is equivalent to denial,	27	425	
written instrument, what is sufficient in case of,	28	425	
pleadings shall be verified,	29	425	
material allegations in, not denied, taken as true,	30	425	
objections to, how taken,	31	425	
variance, immaterial, when,	32	425	
amendment allowed, when,	33	425	
adjournment allowed, when,	34	425	
same, costs of, how taxed,	34	425	
in action commenced by attachment, how regulated,	99	424	
IN DISTRICT COURT.			
shall be filed in court,	65	458	
copies of, need not be served,	66	459	
in civil actions , title relating to,	—	459	
forms and rules of, regulated by statute,	70	459	
are complaint, answer, reply, and demurrer,	71	459	
shall be subscribed by attorney—verified, when,	86	461	
verification , form of,	87	461	
account, how set forth,	88	461	
shall receive liberal construction,	89	461	
part or whole, stricken out, when,	90	461	
judgment , how pleaded,	91	462	
conditions precedent, how pleaded,	92	462	
private statute, how pleaded,	93	462	
acts of incorporation, how pleaded,	94	462	
libel or slander, how pleaded,	95	462	
answer in libel or slander, what to contain,	96	462	
answer in action to recover property distrained,	97	462	
what causes of action may be united,	98	462	
material allegations, not denied, taken as true,	99	463	
variance between allegations and proof, not material, when,	100	463	
same, material, when,	101	463	
allegation, wholly unproved, deemed what,	102	463	
amendment , allowed before trial and on demurrer,	103	463	
same, before or after judgment,	104	463	
relief , granted after default or judgment,	105	463	
errors and defects, not affecting substantial rights, shall be disregarded,	107	464	
in criminal cases , on part of defendant, are demurrer and plea,	1	651	
PLEAS , chapter relating to,	—	653	
shall be put in in open court,	2	651	
not made, after disallowance of demurrer, judgment shall be pronounced,	10	652	
to indictment, are of three kinds,	1	653	
shall be oral, and entered in minutes,	2	653	
entered in what form,	3	653	
of guilty, how put in,	4	653	
same withdrawn, and plea of not guilty substituted, when,	5	653	
of not guilty, effect of,	6	653	
same, evidence under,	7	653	
of acquittal, not a bar, when,	8	653	
same, is a bar, when,	9	653	
on indictment for offense of different degrees,	10	653	
of not guilty entered, if defendant refuses to demur or plead,	11	653	
PLURALITY of votes to elect officers chosen by the people, unless otherwise provided,	45	64	
POISON , intoxicated physician administering, how punished,	20	599	
mingling with food, drink, &c., how punished,	44	602	
physician or other person prescribing, how punished,	5	624	
druggist or other person selling, without affixing label, how punished,	6	624	

MINNESOTA STATUTES 1866

GENERAL INDEX.

833

	Sec. Page.
POLK COUNTY , boundaries of, - - - - -	52 107
included in seventh judicial district, - - - - -	24 417
attached to Crow Wing county for judicial purposes, - - - - -	33 419
POLL LISTS , judges of election shall make and post up, when, - - - - -	5 55
shall attend and make corrections, when, - - - - -	5 55
names on, and ballots, to be made to agree, - - - - -	13 56
clerk of town meeting to keep, - - - - -	27 142
POLLS , of election, when opened, - - - - -	7 56
when closed, - - - - -	12 56
of town meeting, how opened and closed, - - - - -	24 142
POLL TAX , town may vote to expend on roads in adjoining township, - - - - -	15 140
POLYGAMY , how punished, - - - - -	2 620
what shall not be deemed, - - - - -	3 620
POOR , money raised to support, at town meeting, - - - - -	15 140
chapter relating to relief of, - - - - -	— 201
what relatives shall support, - - - - -	1 202
penalty for not supporting, - - - - -	1 202
in what order relatives called on to support, - - - - -	2 202
when support of, is a county charge, - - - - -	3 202
legal residence of, how determined, - - - - -	4 202
county commissioners are superintendents of, - - - - -	5 202
how supported, and where kept, - - - - -	6 203
overseer of, appointed by county commissioners, - - - - -	7 203
shall execute and file bond, - - - - -	8 203
powers and duties, - - - - -	9 203
physician to be appointed to attend, - - - - -	10 203
may be discharged when not entitled to county support, - - - - -	11 204
receive support on order of single commissioner, - - - - -	12 204
receive allowance on certificate of one commissioner, - - - - -	12 204
be conveyed to poor house at expense of county, when, - - - - -	13 205
person not having legal settlement, may be warned to leave county, and conveyed to proper county, - - - - -	14 205
such pauper, being too ill to be removed, is entitled to temporary relief, - - - - -	15 206
minor may be bound out, - - - - -	16 206
burial of poor person, county charge, when, - - - - -	17 206
bringing of, into the county without legal authority, a misdemeanor, - - - - -	18 206
tax to support, county commissioners to levy, - - - - -	19 207
POPE COUNTY , boundaries of, - - - - -	53 107
included in seventh judicial district, - - - - -	24 417
attached to Stearns county for judicial purposes, - - - - -	33 419
POSTHUMOUS CHILDREN , entitled to take, as heirs, - - - - -	30 351
birth of, defeats future estate, when, - - - - -	31 351
inherit real estate of deceased parents, - - - - -	1 353
considered as living at death of parents, - - - - -	12 355
share of, born after making of will, - - - - -	22 358
POUNDS , number of, determined at town meeting, - - - - -	15 140
may be discontinued at annual town meeting, - - - - -	99 151
POUND MASTERS , number of determined at town meeting, - - - - -	15 140
shall file notice of acceptance of office, - - - - -	37 143
effect of neglect to file notice, - - - - -	37 143
fees of—has lien for fees on animals impounded, - - - - -	83 149
may sell animals impounded, when, - - - - -	83 149
application of proceeds of sale, - - - - -	83 149
shall have care and control of pounds, - - - - -	98 151
receive and sell beasts distrained doing damage, - - - - -	34 220
POWER OF ATTORNEY , not deemed a conveyance, - - - - -	26 331
may be recorded, and transcript read in evidence, - - - - -	27 331
in what manner revoked, - - - - -	29 331
provisions of chapter relating to powers, not to apply to, - - - - -	60 348
POWERS , chapter relating to, - - - - -	— 343
abolished, except as authorized in this chapter, - - - - -	1 343
defined, - - - - -	2 343
who can grant, - - - - -	3 343
division of , into general and special, - - - - -	4 344
general, defined, - - - - -	5 344
special, defined, - - - - -	6 344
is beneficial, when, - - - - -	7 344
may be given to married woman, - - - - -	8 344
estate of tenant for life or years, when changed into a fee, - - - - -	9 344
power creates fee, when, - - - - -	10 344

MINNESOTA STATUTES 1866

834

GENERAL INDEX.

	Sec. Page.
POWERS , creates absolute fee, when, - - - - -	11 344
effect of, to tenant for life or years, to claim the inheritance, - - - - -	12 344
what, deemed absolute, - - - - -	13 344
of revocation reserved, effect of, - - - - -	14 344
special and beneficial, who may take, - - - - -	15 344
of tenant for life to make leases, assignable, when, - - - - -	16 344
release of, - - - - -	17 344
to lease, bound by mortgage, - - - - -	18 345
effect of mortgage on, - - - - -	19 345
future, beneficial, - - - - -	20 345
liable to creditors, - - - - -	21 345
general , when in trust, - - - - -	22 345
special, when in trust, - - - - -	23 345
trust, imperative, - - - - -	24 345
effect of right of selection on, - - - - -	25 345
construction of, in certain cases, - - - - -	26 345
same, in other cases, - - - - -	27 345
when district court shall execute, - - - - -	28 345
same, shall execute trust created by will, when, - - - - -	29 345
application of certain sections of chapter relating to trusts and trustees, - - - - -	30 345
creditors can compel execution of trust power, when, - - - - -	31 346
what, will pass by general assignment, - - - - -	32 346
reservation of, in conveyance, - - - - -	33 346
may be granted, how, - - - - -	34 346
to be a lien, from what time, - - - - -	35 346
irrevocable , when, - - - - -	36 346
may be vested in, whom, - - - - -	37 346
married woman may execute, how, - - - - -	38 346
survivors may execute, - - - - -	39 346
how executed, - - - - -	40 346
what instruments to be deemed conveyances, - - - - -	41 346
execution of, by will, - - - - -	42 346
by grant, - - - - -	43 346
not void though execution of instrument is insufficient, - - - - -	44 346
direction of grantor, not followed, effect of, - - - - -	45 346
nominal conditions may be disregarded, - - - - -	46 347
when directions of grantor shall be observed, - - - - -	47 347
consent of third person to be expressed in instrument, - - - - -	48 347
certain dispositions, not void, - - - - -	49 347
omission to recite, not to invalidate execution, - - - - -	50 347
fraud in execution, - - - - -	51 347
lands embraced in power to devise, pass by will, when, - - - - -	52 347
what estate or interest given by parent, deemed an advancement, - - - - -	53 347
period of suspension, how computed, - - - - -	54 347
who may not take under, - - - - -	55 347
married woman , may create estate, - - - - -	56 347
defective execution remedied in equity, - - - - -	57 347
purchaser entitled to relief, when, - - - - -	58 348
power of sale in mortgage deemed part of security, - - - - -	59 348
chapter not to apply to simple power of attorney, - - - - -	60 348
terms grantor and grantee of power, defined, - - - - -	61 348
PRECEDING SECTION , in these statutes, means next preceding, - - - - -	1 74
PRESENTMENT , definition of, - - - - -	30 639
can only be found, when, - - - - -	43 640
when found, shall be filed in court, - - - - -	44 640
finding of, to be kept secret, - - - - -	49 640
copy of, to be furnished magistrate, - - - - -	56 641
if twelve grand jurors do not concur in finding, charge shall be dismissed, - - - - -	58 641
PRIEST , cannot be examined as to confessions, without consent, - - - - -	10 520
PRINTER , fees of, - - - - -	28 510
affidavit of, evidence, when, - - - - -	57 527
PRINTING AND DISTRIBUTION , of laws and documents, chapter relating to, - - - - -	— 76
commissioners of printing, who are, - - - - -	1 76
divided into five classes, - - - - -	2 76
classes, how constituted and let, - - - - -	2 76
commissioners of, shall give notice for proposals to do printing, - - - - -	3 76
proposals , shall state, what, - - - - -	3 76
bond to be executed, - - - - -	3 76
bid, not entertained, when, - - - - -	3 76

1872-71

MINNESOTA STATUTES 1866

GENERAL INDEX.

835

	Sec.	Page.
PRINTING AND DISTRIBUTION, maximum rates, what are, - - - - -	3	76
proposals, when and how opened, - - - - -	4	77
lowest bidder to have contract, - - - - -	4	77
rules for awarding contract in certain cases, - - - - -	4	77
contractor to pay expense of transporting paper, &c., when, - - - - -	4	77
first class, how printed, measured and counted, - - - - -	5	77
second class, how printed, - - - - -	6	78
third class, how printed, - - - - -	7	78
fourth class, how printed, - - - - -	8	78
fifth class, how printed, &c., - - - - -	9	78
composition, how estimated, - - - - -	10	78
press work, how estimated, - - - - -	10	78
notice , of acceptance of bid to be given, - - - - -	11	79
successful bidder failing to execute contract, next lowest bidder may take it, - - - - -	11	79
contract may be canceled, when, - - - - -	11	79
commissioners to give notice for proposals to do folding and stitching of bills, &c., - - - - -	12	79
proposals shall specify, what, - - - - -	12	79
folding, how let, - - - - -	12	79
bid to be accompanied with bond, - - - - -	12	79
maximum prices established, - - - - -	12	79
journals, executive documents and laws, how bound, - - - - -	13	80
folding, stitching and binding to include, what, - - - - -	14	80
printing to be executed promptly, - - - - -	15	80
laws , &c., when delivered to printer, - - - - -	15	80
folding, &c., when to be executed, - - - - -	15	80
commissioners may extend time to execute contract, - - - - -	15	80
secretary of state to examine work, - - - - -	16	80
contractor shall preserve one copy of each document, &c., - - - - -	17	80
accounts , to be examined, corrected and certified by secretary of state, - - - - -	19	81
copies of work, how delivered, - - - - -	20	81
paper , for state printing, how procured, - - - - -	21	81
not used to be returned to secretary of state, - - - - -	21	81
wasted, contractor to pay for, with penalty, - - - - -	21	81
delay in printing, contractor not accountable for, when, - - - - -	22	81
laws to be printed without certificates or additions, - - - - -	24	81
each volume of session laws to have certificate, - - - - -	24	81
messages and addresses of governor, number printed, - - - - -	29	82
executive documents, no charge for printing, - - - - -	30	82
number of copies of journals and laws, to be printed, - - - - -	31	83
distribution of journals and documents, how made, - - - - -	32	83
same, of laws, - - - - -	33	83
who are entitled to copies of laws, &c., - - - - -	34	83
secretary of state to make distribution, - - - - -	35	83
county auditor to deliver laws, &c., - - - - -	36	84
official publication of , laws, &c., what deemed, - - - - -	37	84
copies not distributed to be preserved, - - - - -	38	84
reports of county, township and village officers, made, when, - - - - -	39	84
same, of state officers, made, when, - - - - -	40	84
PRISON. <i>See</i> JAILS AND PRISONS, - - - - -	—	666
grand jury shall examine into condition of, - - - - -	37	639
PRISONER, has right to know ground of arrest, - - - - -	1	595
to see precept on which arrest is made, - - - - -	1	595
rights of, on examination before magistrate, - - - - -	13	633
admitted to bail, when, - - - - -	18	634
may have counsel on arraignment, - - - - -	14	649
right to be tried, when, - - - - -	2	658
<i>See</i> JAILS AND PRISONS, - - - - -	—	666
PRIVATE SECRETARY, of governor, shall record official letters, - - - - -	4	86
shall deposit letter book in office of executive, - - - - -	4	86
salary, eight hundred dollars per annum, - - - - -	1	93
PRIVATE STATUTE, how pleaded in civil action, - - - - -	93	462
how pleaded in an indictment, - - - - -	13	646
PROBATE BONDS, AND THE PROSECUTION OF THEM, chapter relating to, - - - - -	—	384
how taken, - - - - -	1	384
creditor may bring action on, when, - - - - -	2	384
next of kin may bring action, when, - - - - -	3	384
any person interested may bring action, when, - - - - -	4	384
court may cause to be prosecuted, when, - - - - -	5	384
shall grant permission to prosecute, and give certificate, - - - - -	6	384

MINNESOTA STATUTES 1866

836

GENERAL INDEX.

	Sec. Page.
PROBATE BONDS AND THE PROSECUTION OF THEM, judgment rendered, for	
what amount,	7 384
successive actions may be brought,	7 384
execution, how awarded,	8 385
moneys collected on, how disposed of,	9 385
claims for damages, how and by whom prosecuted,	10 385
PROBATE COURTS, chapter relating to,	— 364
each organized county to have,	1 364
jurisdiction of, exclusive to take proof of wills, when,	2 364
generally over wills, estates, &c.,	3 364
first acquired, is exclusive, when,	4 364
how held, judge interested, who shall hold,	5 365
judge shall keep his office where, deliver books, &c., to successor,	6 365
proceedings in, powers of judge, how exercised,	7 365
records to be kept of, what,	8 365
register shall contain, what,	9 365
each book shall have an index,	10 366
judge cannot act as attorney, when,	11 366
costs, how far allowable,	12 366
orders, how enforced; process, how issued,	13 366
appeals to district court, when and how taken,	14 366
by whom taken,	15 366
may be taken on questions of law or fact,	16 366
shall be taken within sixty days after notice of order,	16 366
<i>See</i> "LETTERS TESTAMENTARY, &c.," chapter relating to,	— 367
proceedings before, on complaint for embezzlement of deceased person's effects,	7 373
same, to compel executor et al, to account,	9 373
shall limit time for paying debts,	29 378
may extend time, when,	30 378
order sale of personal estate, when and how,	4 382
<i>See</i> "PARTITION AND DISTRIBUTION OF ESTATES," chapter relating to,	— 385
<i>See</i> "SALES OF LAND BY EXECUTORS, ADMINISTRATORS AND GUARDIANS,"	— 389
may decree conveyance of lands by executors and administrators, when,	1 398
on petition, may appoint a time and place for hearing,	2 398
may appoint guardians of minors,	2 399
insane persons,	8 400
spendthrifts,	9 400
persons out of the state,	13 401
shall require bond of guardian,	17 401
may order sale of minor's personal estate, when,	23 402
PROCEEDINGS SUPPLEMENTARY TO THE EXECUTION, title relating to,	— 493
judgment creditor, may obtain order on debtor, to appear and answer concerning	
his property,	299 493
warrant may issue and defendant be arrested, when,	300 493
court may order defendant to give bond or be committed,	300 493
any person indebted to judgment debtor, may pay execution and receive discharge	
from sheriff,	301 493
witnesses may be compelled to appear and testify,	302 493
examination before referee, shall be certified to judge,	303 493
all examinations and answers shall be on oath,	303 493
judge may order property of judgment debtor to be applied to satisfy judgment,	304 494
may appoint receiver, or forbid transfer of property,	305 494
property claimed by third person, only recoverable by action,	306 494
transfer of such property forbidden by order,	306 494
disobedience of order, by party or witness, a contempt,	307 494
person not excused from answering, but answer not evidence in criminal prosecution,	308 494
PROCESS, civil, not to be served on person entitled to vote, during election day,	44 64
directed to coroner, when sheriff is a party, or interested,	211 134
legal, how served on certain corporations,	62 274
against trustees, how served,	79 314
foreclosure, chattel mortgage,	8 327
on grantor refusing to acknowledge deed,	14 329
how issued by probate court,	13 366
shall not abate by reason of vacancy or change in office of judge,	11 416
issuing from district courts, to be tested in name of presiding judge,	12 416
to be sealed, signed by clerk, when returnable,	13 416
indorsed with name of attorney,	14 416
may be amended, when,	104 463
made to conform to statute,	105 463

1872-136

MINNESOTA STATUTES 1866

GENERAL INDEX.

837

	Sec. Page.
PROCESS , property exempt from,	1 498
civil, not to be served on Sunday,	20 622
PROCLAMATION , of governor, of change in county lines,	21 59
same, of electors of president and vice president,	23 59
appointing day of thanksgiving,	2 86
of opening and closing polls,	24 142
PROHIBITION, WRITS OF , title relating to,	— 556
issue whence—contents of,	14 556
how served and returned,	15 556
effect of adoption of return, issue, how determined,	16 556
proceedings when return is not adopted,	17 556
judgment, how rendered,	18 556
prohibition absolute, granted when,	19 556
PROMISSORY NOTES , falling due on Sunday, &c., when payable,	3 226
payable to bearer, without grace, payment to be demanded, when,	4 226
indorsers of such notes, how liable,	5 227
payable to order of maker or fictitious person, same as if payable to bearer, when,	9 227
pleading in action on, in justice's court,	28 425
set-off in action on, in justice's court,	38 427
lost, evidence of allowed, when,	68 528
party may recover, by giving bond,	69 528
possession of, prima facie evidence that it was indorsed as it purports,	82 530
indorsement of money recorded on, prima facie evidence of fact,	83 530
prosecution for forgery of, what evidence is admissible,	90 531
PROTEST. See NOTARIES PUBLIC ,	— 229
PROTESTANT EPISCOPAL CHURCH , how organized,	68 275
may elect church wardens,	90 279
notice, how given,	90 279
certificate to be executed and recorded,	90 279
vacancies, how filled,	90 279
existing societies, organized but not incorporated, may become incorporated, how,	91 280
PROVISIONS , what exempt from attachment or sale,	279 489
selling unwholesome, how punished,	1 624
adulterating, how punished,	2 624
PUBLIC DOCUMENTS , volumes of, shall contain what,	7 78
how printed,	7 78
PUBLICATION , of list of delinquent lands,	62 172
fees allowed for same,	67 173
of decisions of attorney general on revenue laws,	85 177
syllabuses of decisions of supreme court,	4 413
notice of special term of district court,	15 416
summons in action before justice,	12 423
same, in district court,	49 456
legal notice, on what day made,	69 459
act relating to service of mesne process on foreign corporations, in general statutes,	2 494
PUBLIC LANDS , chapter relating to,	— 317
school lands, state land office established,	1 317
state auditor is ex officio commissioner of land office,—his duties and powers,	2 318
commissioner shall keep record,	3 318
shall make annual report,	4 318
shall have custody of maps, books, &c.,	5 318
shall cause books to be opened, record kept, and have a seal,	5 318
his certificate evidence,	5 318
minimum price of school lands,	6 318
terms of payment for school lands,	7 318
commissioner shall give purchaser certificate,	8 318
certificate to be void, when,	9 319
commissioner may change terms of payment, as to security required,	10 319
governor to issue certificate of payment, and give patents,	11 319
title to land to remain in state until full payment is made,	12 319
actions may be brought on security,	13 319
land may be laid out into lots, when,	14 319
appraisers , how appointed,	15 319
oath and compensation of appraisers,	15 319
lots, how sold,	16 320
effect of certificate of purchase,	17 320
money to be paid into state treasury,	18 320
purchaser, in default, may make payment at any time before land is sold at public auction,	19 320
price of unimproved forfeited lands,	20 320

1873 - 154

MINNESOTA STATUTES 1866

838

GENERAL INDEX.

	Sec.	Page.
PUBLIC LANDS, duties of assessors,	21	320
of county auditors,	21	320
commissioner may have survey made,	22	321
description of land sold to be sent to auditor, and placed on tax roll,	23	321
map of lots to be recorded,	24	321
patents to be recorded,	25	331
expenses of land office, how paid,	26	321
illegal sale, void,—money paid to be refunded, when,	27	321
payment for land, in what funds made,	28	321
rights of assignees of purchasers, same as those of purchasers,	29	321
sales, how made,	30	321
damages paid into state treasury,	31	321
penalty for willful trespass on school lands,	32	321
court to give this act in charge to grand jury, at each term,	33	322
trespass on state lands,—penalty,	34	322
person holding lands liable to action, when,	35	332
duty of county attorneys,	36	322
attorney general to give opinion, when requested by commissioners,	37	322
payments may be made, when,	38	322
county treasurer to give bond,	39	322
shall issue duplicate receipts,	40	322
duty of county auditor,	41	323
shall be clerk of school land sales,	41	323
commissioner to transmit blank bond to county treasurer,	42	323
shall send statement of land sold to county treasurer,	43	323
moneys received by county treasurer,—how held,	44	323
commissioner may order appraisal of school lands, when,	45	323
appraisers, how appointed,	45	323
notice of sale of school lands,—how given,	46	324
commissioner to remove persons occupying school lands without authority,	47	324
improvement on school lands,—when to be paid for,	48	324
principal sum derived from sale of school lands, to remain a perpetual school fund,	49	324
interest on such funds to be distributed semi-annually,	50	324
school fund, how invested,	51	324
duty of state auditor,	51	324
commissioner may grant permits for cutting pine timber on school lands,	52	324
surveyor general to put minimum price on pine timber,	52	325
permits, how granted,	52	325
money received from sale of pine timber to form part of school fund,	52	325
AGRICULTURAL COLLEGE LANDS.		
college lands shall be appraised and sold,	53	325
proceeds of sale,—how invested,	54	325
interest on fund, how expended,	54	325
if fund is lost, state shall replace it,	55	325
fund not to be used to erect or repair buildings,	56	326
PUBLIC OFFICER, cannot be compelled to testify, when,	10	521
PUNISHMENT, chapter relating to,	—	593
of accessory before the fact,	3	593
same, after the fact,	4	593
of attempt to commit offense,	7	593
of all accessories as principals,	10	594
offense charged in residue of indictment,	11	594
of assault, when felonious intent is not found,	12	594
on second or subsequent conviction,	13	594
of death, how inflicted,	11	665
PURCHASER, of land at tax sale shall pay what,	125	184
penalty for non-payment,	125	184
shall receive certificate from county auditor,	127	184
of land forfeited to state, shall pay what,	129	184
entitled to money paid on redemption,	135	186
to deed of land, when,	139	186
of land at tax sale, may have partition, when,	150	183
school lands, in default, may pay, when,	19	320
rights of assignee of, what,	29	321
as against, mortgage of goods and chattels, not good, when,	3	327
meaning of term, in deeds and mortgages,	25	331
conveyance of lands fraudulent, as against,	—	333
without notice, protected, when,	21	335
not prejudiced by resulting trust, when,	10	341
of real property on execution, entitled to certificate,	289	491

MINNESOTA STATUTES 1866

GENERAL INDEX.

839

	Sec	Page.
PURCHASER, certificate operates as conveyance, when,	290	491
interest of, acquired upon sale, is subject to lien of attachment or judgment,	295	492
may apply to court to restrain waste, when,	296	492
if evicted, may recover price paid, with interest, from judgment creditor,	297	492

Q

QUAKERS, marriages solemnized among, according to their forms, valid,	16	408
QUALIFICATION, of court commissioners,	194	131
of voter at town meetings,	22	142
at church meetings,	82	277
sureties in action for claim and delivery of personal property,	122	466
referees,	230	482
petit jurors,	3	512
grand jurors,	3	636
QUIT-CLAIM, effect of deed of,	4	328
QUORUM, of senate, necessary for organization,	6	71
of house of representatives, necessary to organization,	7	72
either house of legislature, how secured,	13	72
board of county commissioners,	93	116
board of education,	62	309

1873-146

R

RAILROAD CORPORATIONS, how may become incorporated,	1	263
shall organize by adopting and signing articles,	2	263
articles shall contain, what,	3	263
effect of filing and publishing articles,	4	264
may continue, how long,	5	264
by-laws to be posted up,	6	264
statement to be posted up,	7	264
transfer of shares, how made,	8	264
private property, how liable for corporate debts,	9	264
of stockholders, how levied on,	10	265
officer having execution, shall proceed, how,	11	265
old corporations may organize under this title,	12	265
right of way, how obtained,	13	265
petition presented to district judge,	14	265
commissioners shall be appointed,	15	266
may adjourn from day to day,	16	266
shall each be sworn,	17	266
notice of first meeting, how given,	18	266
shall make examination and assess damages,	19	266
file petition, appointment, oath, report, and map,	20	266
payment of damages, how made,	21	266
appeals from assessment, how taken,	22	267
construction of improvement may go on, when,	23	267
appellant to file bond,	24	267
appeals, how tried and determined,	25	267
judgment, how entered, effect of—may be paid, how,	26	267
record evidence of title to land taken—how perfected,	27	268
may obtain right of public road how,	29	268
enter on land to make preliminary survey,	30	268
obtain right of way, &c., how,	31	268
bridge navigable streams,	32	268
shall erect sign-boards, when—liability for neglect,	33	268
shall cause passenger trains to stop at passenger stations,	34	269
rates of fare for passengers, and rates of transportation of property,	35	269
consolidation of,	36	269
effect of consolidation,	37	270
new corporation to succeed to rights of old, when,	38	270
may aid another to construct its road,	39	270

1872-77-82

1868-93-

1873-146

1868-96

1869-75-

1870-26

871-66

1872-77

1870-24

1874-140

1871-56

1871-60-

MINNESOTA STATUTES 1866

840

GENERAL INDEX.

	Sec. Page
<i>1874 - 152 - 157</i>	
RAILROAD CORPORATIONS , may lease or purchase other railroads, when,	39 270
two or more may enter into agreement for their common benefit,	39 270
may borrow money, execute bonds, notes, &c.,	40 271
corporators, their powers and duties,	41 271
capital stock , how increased,	42 271
shall make report annually to auditor of state,	43 271
penalty for diversion of corporate property,	44 271
RAILROAD TICKETS , stealing and carrying away, is larceny,	16 605
definition of,	17 605
RAMSEY COUNTY , boundaries of,	54 108
forms second judicial district,	19 417
RAPE , what proof will sustain indictment for,	92 531
how punished,	39 601
ravishing child under ten years, how punished,	40 601
assault with intent to commit,	41 601
forms in indictment for,	2 643
REAL ESTATE , term defined,	1 74
how conveyed by deed,	1 328
husband and wife may convey, by joint deed,	2 328
corporations may convey, by agent,	3 328
conveyances of, shall be recorded,	21 330
<i>See TITLE TO REAL PROPERTY BY DESCENT,</i>	— 353
purchased by executor, how sold,	13 374
disposition of, when not sold,	14 374
action to recover, brought when,	15 374
recovered, how disposed of,	17 374
<i>See SALE OF LANDS BY EXECUTORS, ADMINISTRATORS, AND GUARDIANS,</i>	— 389
probate court may decree conveyance of, when,	1 398
of minor, may be sold by guardian, when,	22 402
wife entitled to possession of, when,	20 411
printed notice of sale of, may be filed, when and where,	55 526
<i>See ACTIONS FOR PARTITION OF REAL PROPERTY,</i>	— 532
REAL PROPERTY , term defined in chapter relating to taxes,	2 154
shall be valued at its true value in money,	9 157
township assessor shall make list of,	31 164
abstract of, county auditor shall send to state auditor, biennially,	52 170
may be held by banks, for what purpose,	20 257
<i>See TITLE TO REAL PROPERTY BY DESCENT,</i>	— 353
action to recover, within what time brought,	4 451
same, for trespass upon,	5 451
how attached,	134 467
actions concerning , chapter relating to,	— 538
to determine adverse claim,	1 538
effect of disclaimer or default,	2 539
denial of right must be shown, when,	3 539
termination of right during pendency of, effect,	4 539
new trial to recover real property, who may have,	5 539
judgment, how entered,	6 539
rule of damages,	7 539
improvements allowed as set-off,	7 539
buildings and fences may be removed,	8 539
court may grant order for survey,	9 539
order shall contain, what,	10 539
mortgagee not entitled to possession,	11 540
purchaser of land sold on exemption, may recover for injury after sale,	12 540
not prejudiced by sale of property,	13 540
district court may pass title—judgment to be recorded,	14 540
by landlord against tenant, equivalent to demand and re-entry,	15 540
tenant, how restored to possession,	15 540
notice of lis pendens , may be filed, effect of,	16 540
plaintiff may notify defendant against whom no personal claim is made,	17 540
person in possession, how liable for rent,	18 540
rent recoverable in civil action, evidence,	19 541
limitation of sections 18 and 19,	20 541
estates at will, how determined—lease, notice to quit,	21 541
aliens may hold real property,	22 541
remaindermen and reversioners may sue,	23 541
joint tenant, tenant in common, et al., may sue co-tenant,	24 541
nuisance defined—action to abate or enjoin,	25 541
waste —rule of damages,	26 541

1874 - 152 - 5

1873 - 173

MINNESOTA STATUTES 1866

GENERAL INDEX.

841

	Sec. Page.
REAL PROPERTY , judgment of forfeiture and eviction, - - - - -	27 541
trees, timber, &c., damages for cutting, - - - - -	28 541
damages may be mitigated, when, - - - - -	29 541
cutting timber in highways, - - - - -	30 542
damages in forcible eviction, - - - - -	31 542
same, entry and detainer, - - - - -	32 542
RECEIVERS , of public moneys, governor may remove, when, - - - - -	3 137
court may appoint, when, - - - - -	168 292
duties of, - - - - -	170 293
title relating to, - - - - -	— 476
may be appointed, when, - - - - -	189 476
court may order deposit or delivery of money, when, - - - - -	190 476
may order sheriff to enforce delivery, - - - - -	191 477
may be appointed in proceedings supplementary to execution, - - - - -	305 494
court may appoint, to take charge of effects of corporation, - - - - -	14 544
may be appointed on dissolution of corporation, - - - - -	12 553
RECOGNIZANCE , party taking appeal from conviction before justice, shall give, - - - - -	149 442
proceedings on breach of, - - - - -	159 444
alleged fugitive from justice, shall give, when, - - - - -	4 626
same, taking into custody, is discharge of, - - - - -	5 627
to keep the peace , required, when, - - - - -	6 628
not given, party may be committed, - - - - -	7 628
by witnesses , required, when, - - - - -	11 629
on appeal, may be required, - - - - -	12 629
effect of, discharge on appeal, - - - - -	13 629
to be transmitted to district court, - - - - -	14 629
ordered without process, when, - - - - -	16 629
judgment on, remitted, when, - - - - -	18 629
surety in, may surrender principal, - - - - -	19 629
new recognizance may be given, - - - - -	19 629
party arrested may give, when, - - - - -	4 632
shall be sent to clerk of court, - - - - -	5 633
party arrested may give, to appear on adjourned day, - - - - -	9 633
on default, shall be certified to district court, - - - - -	10 633
failure to give, party may be committed, - - - - -	11 633
may be taken in all cases bailable, - - - - -	17 634
shall be taken, if prisoner offers it, in all cases bailable, - - - - -	18 634
witnesses shall give, when, - - - - -	19 634
same, may be required to give other security, when, - - - - -	20 624
married woman or minor may recognize, how, - - - - -	21 634
failing to give, shall be committed, - - - - -	22 634
certified to district court, with papers and testimony, - - - - -	24 634
surety in, may make payment and be discharged, - - - - -	26 635
penalty of, remitted, when, - - - - -	27 635
action on, not barred or defeated, or judgment arrested, by what, - - - - -	28 635
default, proceedings in action brought on, - - - - -	29 635
same, defendant may be arrested, - - - - -	30 635
district judge, proceedings to give recognizance after committal, - - - - -	31 635
parties to, shall justify in all cases, - - - - -	32 635
change of venue granted, court shall require defendant to give, - - - - -	3 654
same, shall require witnesses to give, - - - - -	4 654
party not giving, convicted, when, - - - - -	9 663
convicted, shall give, when, - - - - -	7 665
breach of—proceedings, - - - - -	8 665
RECORDS , of the state, who shall keep, - - - - -	7 86
of accounts, state auditor shall keep, - - - - -	15 87
supreme court, clerk shall procure, - - - - -	61 92
board of county commissioners, who shall keep, - - - - -	120 120
in office of register of deeds, to be open to public inspection, - - - - -	156 126
of court commissioner, how kept, - - - - -	196 131
surveys, county surveyor shall keep, - - - - -	201 132
town, clerk shall keep, - - - - -	64 146
town board, clerk shall keep, - - - - -	76 147
tax deeds, county auditor shall make, - - - - -	146 187
order of supervisors, laying out, &c., road, made when, - - - - -	37 195
division of partition fence, effect of, - - - - -	18 215
estrays notice, by town clerk, - - - - -	3 216
same by register of deeds, - - - - -	6 217
official seals, deposited where, - - - - -	1 225

MINNESOTA STATUTES 1866

842

GENERAL INDEX.

	Sec. Page.
RECORDS of commissions of notaries public, -	5 230
of instrument of protest, by notary, -	8 230
town plats, effect of, -	5 233
certificate of limited partnership, -	6 236
log marks, bills of sale, &c., relating to logs, shall be kept, -	17 245
any instrument, deed, mortgage, &c., deemed notice, -	28 331
may be transcribed on division of county, -	30 331
instrument must be duly executed to be entitled to record, -	32 332
transcript of record of conveyance may be recorded in another county, -	33 332
schedule of married woman's property to be recorded, -	1 499
of conveyance to married woman, -	2 500
schedule of married woman's property to be kept in separate book, -	9 501
foreign courts admissible as evidence, when, -	49 526
certificate of discharge of lien, -	15 591
REDEMPTION , of lands sold for non-payment of taxes, made when, -	130 185
application for, made to county auditor, by whom, -	131 185
in what manner made, -	132 185
proceedings when joint tenant refuses to join in application, -	133 185
deposit on, to be noted on record of tax sales, -	134 185
warrant to be drawn for deposit, on demand, -	135 186
premises redeemed not to be restored until improvements are paid for, -	136 186
forfeited lands not redeemed, become property of state, -	137 186
period of, expiring, deed to be given, -	139 186
of lands forfeited to state prior to June 1, 1865, made when, -	156 189
effect of not redeeming such lands, -	156 189
of lands forfeited to state on and after June 1, 1865, made when, -	157 189
beasts distrained doing damage, made when, -	35 221
property from chattel mortgage, -	5 327
from sale on execution , what property is subject to, -	288 491
by whom made, -	291 491
in what order as to parties, -	292 491
creditor not entitled to, unless he files notice, -	292 491
in what manner made, -	293 492
certificate of, shall be given, -	294 492
effect of redemption on sale, -	294 492
from foreclosure by advertisement , how made, -	14 564
certificate of, to be given—void, when, -	15 564
effect of, -	15 564
from foreclosure by action , how and when made, -	31 566
REDWOOD COUNTY , boundaries of, -	55 108
included in sixth judicial district, -	23 417
attached to Brown county for judicial purposes, -	33 419
REFEREES, TRIAL BY , title relating to, -	— 482
may try any or all issues in an action, -	228 482
report fact or evidence, -	228 482
number and qualification of, -	230 482
trial, conducted same as trial by the court, -	231 482
have same powers as court, to grant adjournment, &c., -	231 482
shall find facts and conclusions of law separately, -	231 482
all shall meet, but two may act, -	232 483
provisions relating to trial by jury, apply to trial by referees or court, -	240 484
fees of, -	25 510
may administer oath, when, -	3 515
oath of, -	5 515
duty of, in making partition of real property, -	7 533
sales of real property, how made by, -	22 535
same, forbidden to purchase, -	32 536
to make report of, -	33 536
may execute conveyance by order of court, -	34 536
shall take receipts of certain purchasers, instead of cash, when, -	35 536
REGISTER OF ACTIONS , attorney general shall keep, -	43 90
clerk of district court shall keep, -	229 136
REGISTER OF DEEDS , vacancy in office of, how filled, -	102 117
ineligible to office of county treasurer, -	128 121
shall be elected in each county, and serve two years, -	152 125
take oath and give bond, -	153 125
deliver books, records, &c., to successor, -	154 125
penalty for refusing to deliver, -	154 125
shall keep two books, called grantor's and grantee's reception book, divided into columns, -	155 125

868-22-23

1870-111-117

MINNESOTA STATUTES 1866

	Sec.	Page.
REGISTER OF DEEDS , shall record deeds, &c., and make entries of satisfaction of		
mortgages, &c.,	155	125
shall make certificate on each instrument recorded,	155	125
exhibit records, &c., free of charge,	156	126
entitled to fees in advance,	156	126
shall keep books, and record all instruments,	157	126
keep alphabetical index,	157	126
deputy register , appointment of—responsible for acts of deputy,	158	126
shall record description of marks or brands,	159	126
make abstract of title to real estate,	160	126
not record deed, &c., unless duly executed,	161	127
penalty for violation,	161	127
may administer oaths and take acknowledgments,	162	127
shall have and use official seal,	163	127
may be removed from office by governor,	3	137
shall not record deed unless indorsed "taxes paid,"	40	167
penalty for violation,	40	167
not to record plat of town site or addition unless auditor's certificate is indorsed thereon,	41	167
fee for recording notice of taking up estray,	6	217
recording certificate of election of corporate officers,	72	276
shall enter discharge of attachment, &c., how,	145	469
fees of,	24	509
shall set up table of fees in his office,	29	511
penalty for neglect to set up table of fees,	29	511
may take acknowledgments and depositions,	8	517
shall receive and deposit papers, and give certificate therefor,	61	527
papers, how indorsed and filed,	62	527
how withdrawn—may be examined,	63	527
shall record notice of lis pendens,	16	540
record certificate of discharge of lien,	15	591
RELIGIOUS CORPORATIONS , how organized,	68	275
president shall be chosen—who may vote,	69	276
notice of election, how given,	70	276
election —how conducted—certificate to be given,	71	276
certificate, to be acknowledged and recorded,	72	276
trustees to have seal—may do what,	73	276
several powers of trustees,	74	276
may erect and repair churches and parsonages,	75	276
may make by-laws, rent pews, &c.,	76	277
may appoint clerk and treasurer—duties of clerk,	77	277
meetings , how called and conducted,	78	277
trustees to hold office three years,	79	277
clerk to give notice of expiration of term of office of trustees,	80	277
minister to give notice of election,	80	277
election of trustees—how conducted,	81	277
qualifications of voters,	82	277
clerk to keep register of stated hearers,	83	277
salary of minister, fixed by the society,	84	278
trustees may sell or encumber real estate—what notice and vote required before,	85	278
existing societies confirmed—corporations heretofore dissolved may organize anew,	86	278
descent of lands held by trustees,	87	278
minister to give certificate of appointment of trustees—effect of certificate,	88	278
when minister, elders and deacons are trustees they may execute certificate—effect of,	89	278
RELIGIOUS MEETINGS , sale of goods, liquor, &c., within two miles of, prohibited,	23	623
penalty for such sale,	24	623
exhibiting shows, &c., near, how punished,	25	623
prosecutions, when must be commenced,	26	623
RELIGIOUS WORSHIP , penalty for disturbing,	14	622
REMAINDER , definition of,	11	349
contingent, in fee, how created,	16	350
how created, in certain cases,	18	350
shall take effect, when,	19	350
contingent, how created, in certain cases,	20	350
estates for life, how limited as,	21	350
upon a contingency, how construed,	27	350
construction of, in certain cases,	29	351
valid, when,	34	351
person entitled to, may sue for injury to inheritance,	23	541

1873-236

MINNESOTA STATUTES 1866

844

GENERAL INDEX.

	Sec.	Page.
REMOVAL, from office, governor may make, when, - - - - -	3	137
RENTS, disposition of, how governed, - - - - -	36	351
accumulation of, may be directed by deed or will, - - - - -	37	351
application of, to support of infants, - - - - -	39	352
who entitled to, in certain cases, - - - - -	40	352
dower, may be assigned out of, - - - - -	11	361
may be paid after action brought, - - - - -	15	540
RENVILLE COUNTY, boundaries of, - - - - -	56	108
included in sixth judicial district, - - - - -	23	417
REPEAL, of law which repealed former law, effect of, - - - - -	3	75
acts enumerated in general statutes does not revive former laws, - - - - -	3	676
REPLEVIN, title relating to, - - - - -	—	432
plaintiff shall file affidavit, - - - - -	81	432
affidavit shall state, what, - - - - -	82	432
bond shall be executed, - - - - -	83	432
writ of, shall issue, - - - - -	84	432
officer shall take property described in writ, - - - - -	85	432
claimant shall be made co-defendant, - - - - -	86	432
recovery in action of, by plaintiff, - - - - -	87	433
same, when defendant succeeds, - - - - -	88	433
judgment in certain cases shall be, what, - - - - -	89	433
<i>See CLAIM AND DELIVERY OF PERSONAL PROPERTY, - - - - -</i>	—	464
REPLY, in justices' courts allowed, when, - - - - -	26	425
shall be verified, - - - - -	29	425
objections to, how taken, - - - - -	31	425
may be amended, - - - - -	33	425
<i>in civil actions, division relating to, - - - - -</i>	—	461
may be made to counter claim, - - - - -	83	461
failure to reply to counter claim, effect of, - - - - -	84	461
may be demurred to, for insufficiency, - - - - -	85	461
shall be subscribed by attorney, - - - - -	86	461
verified, how, - - - - -	87	461
allegations of, shall be liberally construed, - - - - -	89	461
irrelevant or redundant matter in, may be stricken out, - - - - -	90	461
whole pleading stricken out, when, - - - - -	90	461
may be made to answer in proceedings supplementary to judgment, - - - - -	261	487
REPORTER OF SUPREME COURT, salary, six hundred dollars per annum, - - - - -	1	93
chapter relating to, - - - - -	—	231
shall take oath and give bond, - - - - -	1	231
duty in reporting cases, &c., - - - - -	2	231
shall print reports and have copyright, - - - - -	3	231
state shall purchase two hundred copies, - - - - -	3	231
copies purchased by state, how distributed, - - - - -	4	231
REPORTS, of state auditor, number printed, - - - - -	28	82
of state treasurer, number printed, - - - - -	28	82
secretary of state, number printed, - - - - -	28	82
attorney general, number printed, - - - - -	28	82
superintendent of public instruction, number printed, - - - - -	28	82
regents of university, number printed, - - - - -	28	82
trustees of state normal schools, number printed, - - - - -	28	82
warden of state prison, number printed, - - - - -	28	82
adjutant general, number printed, - - - - -	28	82
librarian, number printed, - - - - -	28	82
county officers, &c., when made each year, - - - - -	39	84
for purpose of making report, year shall begin, when, - - - - -	39	84
of state officers, &c., when to be made, - - - - -	40	84
for purpose of these reports, fiscal year shall begin, when, - - - - -	40	84
of state auditor, made annually, - - - - -	17	87
REPRESENTATIVES, in congress, from state, - - - - -	1	69
<i>See LEGISLATURE, - - - - -</i>	—	70
REQUISITIONS, <i>See FUGITIVES FROM JUSTICE, - - - - -</i>	—	626
RESIDENCE, of persons offering to vote, how determined, - - - - -	55	66
RESIGNATIONS, how made, - - - - -	1	137
of incumbents of elective offices, to whom, - - - - -	1	137
of appointees, - - - - -	1	137
RESPONDENTIA, not affected by provisions of statute of frauds, - - - - -	15	335
RESTITUTION, judgment of entered, when, - - - - -	9	572
shall not be awarded after three years quiet possession, - - - - -	12	573
writ of, not to issue for 24 hours in any case, - - - - -	12	573

1874-231

MINNESOTA STATUTES 1866

GENERAL INDEX.

845

	Sec. Page.
RESTITUTION , form of writ of, - - - - -	20 574
RETURN , of county auditor to auditor of state, - - - - -	16 159
of assessor, shall show what, - - - - -	35 165
assessor, omissions in, how corrected, - - - - -	46 168
constable, on sale of unclaimed property, - - - - -	22 219
justice, in case of appeal, - - - - -	106 435
action, tried on, in district court, - - - - -	107 435
district court, may compel justice to make, - - - - -	109 436
same, may compel justice to amend, - - - - -	111 436
of officer on execution, evidence of what, - - - - -	116 436
sheriff, that defendant cannot be found, evidence of what, - - - - -	49 456
of property levied on, - - - - -	276 489
on writ of habeas corpus, shall state, what, - - - - -	28 558
same, shall be made, when, - - - - -	52 561
on summons in forcible entry and detainer, - - - - -	4 572
schedule of stolen property shall be annexed to, when, - - - - -	21 605
RETURNS , of election,—form of, - - - - -	14 57
in unorganized counties, how made, - - - - -	17 58
when canvassed, - - - - -	19 58
of third senatorial district, where made, - - - - -	31 60
fourth senatorial district, where made, - - - - -	31 60
canvassed by judge of probate, when, - - - - -	36 63
fees for carrying to auditor, - - - - -	38 63
not to be rejected for irregularity, - - - - -	40 63
all shall be received, if there is a substantial compliance with law, - - - - -	40 63
REVERSION , definition of, - - - - -	12 349
of dower, may be assigned, - - - - -	22 388
same, may be sold by executor, when, - - - - -	11 391
person entitled to, may sue for injury, - - - - -	23 541
REVISED STATUTES , repeal of, - - - - -	1 677
REVOCAION , power of, invalidates conveyance, when, - - - - -	3 333
conveyance by person having power of, valid, - - - - -	4 333
same, before power vests, valid, - - - - -	5 333
reservation of absolute power of, makes grantor absolute owner, - - - - -	14 344
of power, authority for, how granted or reserved, - - - - -	36 346
will, how executed, - - - - -	9 356
letters of administration, effect of, - - - - -	16 371
of submission to arbitrators, when allowed, - - - - -	5 587
RICE COUNTY , boundaries of, - - - - -	57 108
included in fifth judicial district, - - - - -	22 417
RIOTOUS ASSEMBLY , &c., provisions as to, - - - - -	— 616
what constitutes,—who to command to disperse,—to be arrested if not obeying, - - - - -	1 616
penalty for refusing to arrest magistrate, &c., - - - - -	2 616
for neglecting proceedings as to, by officer, &c., - - - - -	3 617
force may be used to suppress, when, - - - - -	4 617
armed force to disperse, obey what orders, - - - - -	5 617
if death ensue in dispersing, officers held guiltless, - - - - -	6 617
penalty for destroying house, vessel, &c., by, - - - - -	7 617
RIVERS , declared to be public highways, so far as to prevent free passage of logs, timber and lumber, - - - - -	1 242
dam or boom on, to have sluiceway for logs, &c., - - - - -	2 242
boom or wear, now built,—declared nuisance, when, - - - - -	3 242
same, may be abated after notice given, - - - - -	3 242
penalty for letting it remain after notice to remove, - - - - -	3 242
ROAD DISTRICTS , how divided, - - - - -	105 118
assessor and overseer of, how appointed, - - - - -	105 118
town supervisors to establish, - - - - -	1 190
inhabitants to be assigned to each, - - - - -	1 190
how regulated, in case road extends into other towns, - - - - -	51 197
shall belong to town to which it is allotted, - - - - -	52 197
on roads laid out on line between towns, how divided, &c., - - - - -	53 197
ROADS . <i>See</i> ROADS, CARTWAYS AND BRIDGES , - - - - -	— 190
money raised for, at town meeting, - - - - -	15 140
town supervisors to have charge of, - - - - -	1 190
may be altered, discontinued, or laid out, when, - - - - -	33 194
petition for, to be posted, - - - - -	34 195
survey to be made, when, - - - - -	36 195
order laying out, altering, or discontinuing, shall be filed, - - - - -	37 195
damages for opening, &c., how determined, - - - - -	38 195
running into two towns, how regulated, - - - - -	49 197

MINNESOTA STATUTES 1866

846

GENERAL INDEX.

	Sec. Page.
ROADS , shall be divided into road districts, and allotted to each town,	51 197
on the line between towns, how regulated,	53 197
shall not be less than four rods wide,	56 197
extending into two or more towns, how located, &c.,	59 198
petition for, to state what,	59 198
proposed route, by whom and how examined,	61 198
how opened, &c., in each town,	63 198
what is a county road,	66 199
how to be kept in repair,	67 199
obstructions of, how punished,	68 199
five years use sufficient to establish road,	68 199
law of, as to driving, meeting and passing,	1 201
owners of vehicle running on, not to employ drunken drivers,	2 201
of vehicle running on, liable for acts of driver,	6 201
opening, through burial grounds, how punished,	17 622
ROAD TAX , may be expended in adjoining township,	15 140
assessed by town supervisors,	8 191
arrearages of, county auditor to levy on lands returned,	28 194
expended on roads and bridges,	28 194
ROBBERY , with intent, &c., how punished,	34 600
same, assault, with intent to commit, how punished,	35 601
not armed with dangerous weapon, how punished,	36 601
with intent to rob or steal, how punished,	37 601
form in indictment for,	2 643
ROCK COUNTY , boundaries of,	58 109
included in sixth judicial district,	23 417
attached to Martin county for judicial purposes,	33 419
RULES , supreme court may make, and have published,	2 413
shall not take effect until thirty days after publication,	2 413

1873-138

S

SAINT LOUIS COUNTY , boundaries of,	59 109
included in seventh judicial district,	24 417
SALARIES , of state officers,	1 93
of district officers,	2 94
county attorneys,	3 94
county auditor, and county superintendent of schools,	4 94
prison officers,	42 672
SALE ,	
FOR TAXES.	
of lands or lots for non-payment of taxes, void if taxes were paid,	62 172
personal property, when and how made,	91 178
personal property of non-residents,	99 180
lands, shall be made by county treasurer on first Monday in June,	122 183
how conducted,	123 183
state becomes purchaser, when,	124 184
may be made second time, if purchaser fails to pay,	125 184
of lands by state, after time of redemption has expired,	138 186
lands for taxes, transfers lien of state to purchaser,	142 187
not to be considered invalid, when,	143 187
purchaser becomes assignee of state,	151 188
validity of, tested by action, when,	154 189
when held void, taxes to be refunded,	155 189
of lands forfeited to state prior to June 1, 1865,	156 189
lands forfeited to state on and after June 1, 1865,	157 189
OF ESTRAYS, ETC.	
of estrays,	7 217
unclaimed property,	21 219
commodities, hundred weight to mean what,	9 224
wheat, corn, &c., by weight, how regulated,	10 224
lots, before plat is made,—penalty,	9 234
effects of limited partnership, void, when,	18 238
goods and chattels, presumed void, when,	15 335
See SALES OF LANDS BY EXECUTORS, ADMINISTRATORS AND GUARDIANS,	— 389
ON EXECUTION.	
of goods taken under execution from justice, notice, how given,	77 431
goods so taken, how made,	78 432

MINNESOTA STATUTES 1866

GENERAL INDEX.

847

	Sec. Page.
SALE, officer making, not to become purchaser, - - - - -	79 432
of perishable property , on order of justice, made, when, - - - - -	97 434
of attached property, on execution issued by justice, - - - - -	02 434
real estate, on execution or foreclosure by advertisement, enjoined when, - - - - -	186 476
on execution, of excess of exempt property, - - - - -	282 490
of property on execution, notice of, how given, - - - - -	285 490
when and how made, - - - - -	287 491
of real property, certificate shall be given, - - - - -	299 491
irregularity in, rights of purchaser on eviction, - - - - -	297 492
ON FORECLOSURE.	
by advertisement , how, when and by whom made, - - - - -	7 563
may be adjourned, - - - - -	8 563
distinct tracts to be sold separately, - - - - -	9 563
by order of court , authority to sheriff to make, what, - - - - -	27 566
court may confirm or order re-sale, - - - - -	29 566
IN ACTION FOR PARTITION.	
court may order, when, - - - - -	12 533
not allowed, when, - - - - -	13 534
proceeds of, how applied, - - - - -	19 534
not to be delayed, by what, - - - - -	20 535
claims of parties to proceeds of, how determined, - - - - -	21 535
how made, - - - - -	22 535
SCALE BILL, of logs, lumber, &c., to be made and recorded, - - - - -	11 244
to be delivered to owner of logs, when, - - - - -	11 244
of logs running out of boom, to be made and recorded, - - - - -	14 244
fees for making and recording, - - - - -	16 245
of logs from which original marks have been cut, surveyor shall not give, - - - - -	26 248
SCALE MARK, on logs, timber, &c., to be described in scale bill, - - - - -	11 244
of purchaser to be placed on logs, by surveyor, - - - - -	15 244
may be recorded in books in surveyor general's office, - - - - -	17 245
certificate of record of, is evidence of what, - - - - -	19 246
transfer of, not binding unless recorded, - - - - -	19 246
must be recorded before logs, &c., can be scaled, - - - - -	20 247
conveyances, &c., to specify marks on logs when cut, - - - - -	22 247
shall be recorded before logs are cut, - - - - -	23 247
transfer of, how made, - - - - -	23 247
mutilation or destruction of, how punished, - - - - -	24 247
SCHEDULE, of property of married woman, shall be recorded, - - - - -	1 499
effect and necessity of such record, - - - - -	1 499
shall be recorded in a separate book, - - - - -	9 501
of stolen property, officer shall annex to warrant, - - - - -	21 605
SCHOOL. See COMMON SCHOOLS, - - - - -	— 299
SCHOOL DISTRICTS, declared bodies politic, - - - - -	1 299
may hold lands, - - - - -	2 299
trustees shall take steps to perfect title to school lands, - - - - -	3 299
how numbered, - - - - -	4 299
new districts created—boundaries, how changed—districts, how united, - - - - -	5 299
parties aggrieved, how to proceed—when tax is voted, duty of clerk and auditor—	5 299
money, how drawn, - - - - -	5 300
number of scholars to be returned to county auditor, - - - - -	5 300
district to be created or changed by written order, - - - - -	6 300
district officers , who are—notice of meeting to organize, how given, - - - - -	7 300
acceptance of office to be filed, - - - - -	8 300
neglect of official duty, penalty, - - - - -	9 300
trustees , who are—their powers and duties, - - - - -	10 300
each trustee to visit schools in his district, - - - - -	11 300
trustees to procure teachers, - - - - -	12 300
duties of director, - - - - -	13 300
treasurer, - - - - -	14 301
treasurer to give bond—effect of failure, - - - - -	15 301
make report—director and clerk to examine report, - - - - -	16 301
clerk , duties of, - - - - -	17 301
shall give notice of meetings, - - - - -	18 301
make report to county auditor, which shall contain, what, - - - - -	19 301
draw orders on treasurer, and furnish a register to each teacher, - - - - -	20 302
furnish auditor with attested copy of his record, annually, - - - - -	21 302
county auditor shall file record and levy tax—rate per cent.—shall send abstract to state superintendent, - - - - -	22 302
what report shall contain—penalty for neglect, - - - - -	22 302
clerk failing to make report, penalty, - - - - -	23 303

1868-13

MINNESOTA STATUTES 1866

848

GENERAL INDEX.

	Sec. Page.
<i>1868-74</i>	
SCHOOL DISTRICTS , county auditor to apportion school money, -	24 303
county treasurer to pay over school money, when, -	25 303
powers of legal voters in school district, -	26 303
taxes , how levied and collected, -	27 304
county commissioners to appoint examiners of teachers, -	28 304
duty of examiner, -	29 304
may re-examine teacher, -	30 304
fees of examiner, -	31 304
each teacher to pass examination and receive certificate, -	32 304
teacher to procure register—trustees to determine who may attend from other districts, -	33 304
expulsion of scholars, -	33 305
teachers to be paid out of first moneys in treasury, -	34 305
tax, how levied and collected—fines to be set apart for use of schools, -	35 305
school lands exempt from taxation, -	36 305
existing rights not affected—attorney general to give opinion, when, -	37 305
decisions of attorney general shall be published, -	38 305
entitled to public money, when—cities excepted from what, -	39 306
state superintendent shall prepare and distribute registers and forms, -	43 306
SCHOOL FUND , sums arising from sales of school lands a perpetual fund, -	49 324
interest to be distributed semi-annually, -	50 324
how invested, -	51 324
money received from sale of pine timber to form part of school fund, -	52 325
SCHOOL LANDS , terms of payment on the sale of, -	7 318
title to remain in state until full payment is made, -	12 319
laid out into lots, when, -	14 319
lots, how sold, -	16 320
effects of certificate of purchase, -	17 320
purchaser, in default, may make payment at any time before land is sold at public auction, -	19 320
price of unimproved forfeited lands, -	20 320
assessors in towns and cities shall annually appraise, -	21 320
map of, to be recorded, -	24 321
payment for, in what funds, -	28 321
rights of assignee of purchaser, same as that of purchaser, -	29 321
sales of, how made, -	30 321
penalty for willful trespass upon, -	32 321
county auditor shall be clerk of sales, -	41 323
notice of sales, how given, -	46 324
improvements on, when to be paid for, -	48 324
principal sum derived from sale of, to remain a perpetual school fund, -	49 324
pine timber on, may be cut, by permission of commissioner, -	52 324
SCOTT COUNTY , boundaries of, -	60 109
included in fifth judicial district, -	22 417
SEAL , of state auditor—device, -	12 87
state treasurer, -	23 88
county commissioners, -	96 117
register of deeds, -	163 127
<i>See OFFICIAL SEALS</i> , -	— 225
notaries public, -	3 229
trustees of religious corporations, -	73 276
scroll or device to have same effect as, -	33 331
commissioners appointed in other states, to file impression of, -	13 518
SEALER OF WEIGHTS AND MEASURES , state treasurer to be, for state, -	1 223
duties of state sealer, -	2 223
county treasurer to be, for county, -	3 223
duties of county sealer, -	3 223
appointee of supervisors to be, in township, -	4 224
duties of township sealer, -	5 224
neglect of duty by county or township sealer,—penalty, -	12 225
SEARCH WARRANT , chapter relating to, -	— 625
on what complaint and by whom issued, -	1 625
enumeration of cases in which may issue, -	2 625
to whom directed—contents, -	3 625
property found under, officer's duty as to, -	4 625
SECRETARY OF AGRICULTURAL COLLEGE , shall keep record and account, -	10 295
make annual report to governor, -	10 295
SECRETARY OF SENATE , tenure of office, -	6 71
shall furnish copy of journal, &c., to contractor for printing, -	22 81
make index to journal, &c., -	23 81
keep journal of proceedings of senate, -	25 82

1871-70

MINNESOTA STATUTES 1866

GENERAL INDEX.

849

	Sec.	Page.
SECRETARY OF SENATE , shall deliver journals to printer, when, -	25	82
entitled to copy of laws, -	33	83
SECRETARY OF STATE , shall deliver copy of abstract to speaker of house,	20	58
shall assist in opening returns, -	23	59
countersign and transmit certificate of election, -	23	59
publish election of electors, -	23	59
provide blanks for full lists and returns, -	53	65
proceed to organize house of representatives, -	7	72
is commissioner of public printing, -	1	76
shall give notice to successful bidder, -	11	79
examine printing, &c., -	16	80
receive and deliver full number of copies of each sale, -	16	80
credit accounts for printing, and keep record of costs, &c., -	16	80
preserve and file copy of each document, -	16	80
procure paper for state printing, -	21	81
furnish true copy of laws to printer, -	22	81
append certificate to volume of laws, -	24	81
furnish books of record, &c., -	25	82
preserve same when deposited with him, -	25	82
make index to executive documents, -	30	82
deliver copies of laws, how, -	34	83
distribute laws, &c., -	35	83
notify county auditor of delivery, when, -	35	83
remit charges for conveying laws to county treasurer, -	35	83
keep office at capitol and have custody of state seal and records, -	7	86
appoint assistant secretary of state, -	8	86
prepare halls for use of legislature, -	9	86
call members of house of representatives to order, and preside till speaker is elected, -	9	86
make indexes and distribute laws, -	10	86
assist in framing rules for state library, -	56	91
directing expenditure of library fund, -	58	92
salary, twelve hundred dollars per annum, -	1	93
is superintendent of public instruction, -	40	306
shall make report to legislature annually, -	41	306
send blanks to county auditors, -	42	306
distribute registers and forms, -	43	306
apportion school fund, when, -	44	306
SECURITY. See ACTIONS ON OFFICIAL SECURITIES, ETC. , -	—	550
not required on appeal by state, -	42	90
of plaintiff, in justice's court, may be required, -	9	423
same, in district court, before judgment, -	192	477
for costs in civil actions required, when, -	19	497
SEDUCTION , father or guardian may sue for, -	32	454
crime of, how punished, -	6	621
SENATE , composed of twenty-two members, -	1	70
how shall organize, -	5	71
president of, to call members to order, and appoint clerk <i>pro tem</i> , -	5	71
officers shall then be elected, -	6	71
may be discharged by resolution, -	6	71
president to appoint messengers, -	9	72
contempt, how punished, -	11	72
person in contempt, where confined, -	12	72
may compel attendance of members, -	13	72
compensation of members and officers, how certified, -	15	73
members of, term of office, -	16	73
SENTENCE , evidence in mitigation or aggravation of, -	23	657
in capital case, not to be executed until governor signs warrant, -	3	664
form of, -	5	665
court to award, when, -	6	665
when no jail in county, how executed, -	9	665
of death, how executed, -	11	665
duty of sheriff in executing, -	12	665
SEPULTURE , violation of, how punished, -	15	622
SERGEANT-AT-ARMS , of senate—tenure of office, -	6	71
of house of representatives,—tenure of office, -	8	72
entitled to copy of laws, -	33	83
SERVICE of summons. See SUMMONS , -	—	455
notices shall be personal, when, -	59	458
time, by mail, when, -	60	458
double time, allowed when, -	61	458

MINNESOTA STATUTES 1866

850

GENERAL INDEX.

1871-121

	Sec.	Page.
SERVICE , made on attorney, when, - - - - -	62	458
effect of, in garnishee proceedings, - - - - -	150	471
on foreign corporation, - - - - -	1	494
of venire for struck jury, - - - - -	16	514
subpoena, - - - - -	2	519
taking deposition, - - - - -	17	521
same, served on whom, - - - - -	18	521
on one of several parties, good, - - - - -	19	521
same, in what manner, - - - - -	20	521
waived, when, - - - - -	21	522
writ of habeas corpus, by whom, - - - - -	49	561
same, in what manner, - - - - -	50	561
summons in forcible entry and detainer, - - - - -	4	572
bond on appeal, - - - - -	17	578
SET-OFFS , of claims against estate of deceased person, - - - - -	9	376
in action by executor, allowed when, - - - - -	18	377
in justices' courts, title relating to, - - - - -	—	426
of mutual justice's judgments, allowed, - - - - -	60	429
action by assignee of thing in action, subject to, - - - - -	27	452
SETTLERS , on public land, may maintain action for injuries, and to recover possession, - - - - -	1	575
plaintiff's claim defined, - - - - -	2	575
claim shall be marked, action maintained only by actual settler, - - - - -	3	575
considered abandoned, when, - - - - -	4	575
SHAM ANSWERS , may be stricken out, - - - - -	82	460
SHERBURNE COUNTY , boundaries of, - - - - -	61	109
included in seventh judicial district, - - - - -	24	417
SHERIFF , is entitled to copy of laws, - - - - -	33	83
shall deliver same to successor, - - - - -	33	83
ineligible to office of county treasurer, - - - - -	128	121
shall pay over money collected of delinquent county treasurer, when, - - - - -	138	123
penalty for neglect, or for neglecting to collect execution against county treasurer, - - - - -	139	123
shall be elected in each county, and serve two years, - - - - -	164	127
give bond and take oath, - - - - -	165	127
effect of neglect to so qualify, - - - - -	166	127
general powers and duties, - - - - -	167	127
vacancy in office of, how filled, - - - - -	168	127
shall give certificate of time of receiving process, - - - - -	169	127
failure to pay over money collected as sheriff, how liable, - - - - -	170	128
neglecting to make due return to any writ or other process, how liable, - - - - -	171	128
shall not ask or receive illegal fees, - - - - -	172	128
not be purchaser, &c., of property exposed for sale by him, as sheriff, - - - - -	173	128
purchases in such case, void, - - - - -	173	128
may complete unfinished business after expiration of term, - - - - -	174	128
of predecessor, when, - - - - -	174	128
shall keep in prison persons legally committed, - - - - -	175	128
may employ other means if there is no jail, - - - - -	175	128
take party arrested through other counties, when, - - - - -	176	129
shall not practice as attorney, draw process or pleadings, or give advice as to actions, - - - - -	177	129
ineligible to other civil office, except town or city marshal, - - - - -	177	129
shall appoint deputies, and be responsible for their acts, - - - - -	178	129
settle with county commissioners, when, - - - - -	179	129
vacancy in office of, coroner shall perform duties, - - - - -	208	133
coroner shall keep jail if sheriff is committed, - - - - -	208	133
when a party or interested, coroner shall act, - - - - -	210	134
process to be directed to coroner, when, - - - - -	211	134
may be removed from office by governor, - - - - -	3	137
shall post notices of town meeting, - - - - -	4	139
make complaint of violation of license law, - - - - -	5	208
neglecting such duty—penalty, - - - - -	6	208
shall make complaint for furnishing liquor to Indians, - - - - -	14	209
give notice of sale of goods, &c., on execution, - - - - -	77	431
not purchase goods sold by him on execution, - - - - -	79	432
receive money tendered in payment of execution, and give receipt therefor, - - - - -	80	432
execute writ of replevin, how, - - - - -	85	432
pay fines received from persons in custody, to county treasurer, - - - - -	166	444
approve bond in action to recover personal property, - - - - -	116	465
take and hold property described in writ, - - - - -	117	465
deliver property to plaintiff, when, - - - - -	119	465

1873-146

	Sec.	Page.
SHERIFF shall deliver property to defendant, when, -	121	465
liable for sufficiency of sureties, how long, -	121	465
exonerated from liability, when, -	124	466
shall proceed how, in case of concealed property, -	125	466
keep property securely, -	126	466
file writ and return, when, -	127	466
execute writ of attachment, how, -	134	467
serve copy of writ and inventory, -	134	467
may demand certificate of stock, &c., -	135	468
sell perishable property, collect debts, &c., -	136	468
demand indemnity, when, -	137	468
in action against, plaintiff may be joined as co-defendant, and judgment collected of him, -	139	468
shall satisfy judgment out of property attached, -	139	468
return writ when fully executed or discharged, -	142	469
levy of execution ,—how to levy execution on real estate, -	270	488
same, on property capable of manual delivery, -	271	488
on bulky articles, -	272	488
on debts, stock, &c., -	274	489
shall serve copy of execution and inventory, -	275	489
make full inventory, and return same with execution, -	276	489
may return gold, &c., levied on, as money collected, -	277	489
shall sell money levied on, if not circulating at par, -	277	489
may levy on property under pledge, -	278	489
levy on excess of exempt property—proceedings in such case, -	282	490
how to levy on grain, grass, and other unharvested crops, -	283	490
shall execute writ, how, -	284	490
give notice of sale of property levied on, -	285	490
penalty for selling without notice, -	286	490
how sale shall be made, -	287	491
shall deliver certificate to purchaser, -	288	491
deliver certificate of redemption, -	294	492
give receipt to person paying execution, -	301	493
grand jurors , shall summon, when and how, -	8	637
same, deficiency of, shall summon, when, -	11	637
fees of , -	10	505
to set up table of fees in his office, -	29	511
penalty for neglect to set up table of fees, -	29	511
duty of, in executing warrant in capital cases, -	12	665
keeper of jail , duties, &c. See JAILS AND PRISONS, -	2	667
fees of, for conveying convict to state prison, -	70	674
SIBLEY COUNTY, boundaries of, -	62	109
included in sixth judicial district, -	24	417
SIDE BOOMS, logs to be turned out of, on demand, -	27	248
injury to, how punished, -	28	248
SIGNATURE, when to be written—may be mark, when, -	1	74
SINGULAR NUMBER, words, importing, may include, plural, -	1	74
SLANDER, action for, within what time brought, -	8	451
complaint, sufficient, when, -	95	462
answer, sufficient, when, -	96	462
SLUICE DAM. See LOGS AND LUMBER, -	—	251
SMALL POX, penalty for inoculation with, to introduce, -	4	624
SODOMY, punishment for, -	13	622
SPEAKER OF HOUSE, shall cause abstracts of votes to be opened and canvassed, -	20	58
shall not preside when his seat is contested, -	51	65
when elected, -	7	72
shall appoint messengers, -	9	72
certify compensation due members, -	15	73
preside over joint convention, -	18	73
sign certificate of election of U. S. senator, and present same to governor, -	21	73
SPECIAL PARTNER. See LIMITED PARTNERSHIPS, -	—	236
SPECIAL PROCEEDINGS, chapter relating to, -	—	554
SPECIAL VERDICT. See VERDICT, -	—	480
SPENDTHRIFT, word includes, what, -	1	74
See INSANE PERSONS AND SPENDTHRIFTS, -	—	400
STATE, governor custodian of property of, -	1	85
great seal of, lost or defaced, governor shall provide a new one, -	5	86
seal and records of, kept by secretary of state, -	7	86
claims against, auditor shall adjust, -	13	87

(1873-167

1871 - 52
 1872 - 91
 1872 64

MINNESOTA STATUTES 1866

852

1874-160

GENERAL INDEX.

1871-33

	Sec. Page.
1871-33 1868-46	
STATE, moneys of, kept by treasurer,	23 88
debts due to, shall be paid first of all debts,	32 89
same, in what funds paid,	33 89
attorney general shall appear for,	35 89
library of, consists of what,	45 90
not liable for circulating notes of banks,	15 256
title to lands donated by congress, governor shall obtain,	16 296
actions in name of, subject to statute of limitations,	12 451
may be made party to action for partition,	45 538
entitled to fines and forfeitures, when not otherwise appropriated,	9 551
STATE AUDITOR, is commissioner of public printing,	1 76
shall draw warrant for account for printing,	19 81
entitled to copy of laws, to be delivered to successor,	33 83
shall draw warrant for charges for transporting laws,	35 83
keep office at capitol, give bond and take oath,	11 86
keep seal, certify, sign and seal official copies of records,	12 87
examine claims and issue warrants,	13 87
keep record of warrants issued,	14 87
keep record of public accounts, and a file of official receipts,	15 87
keep account with state treasurer,	16 87
make report, annually, to legislature,	17 87
submit books, &c., to inspection of legislature,	18 87
may administer oath, &c.,	19 87
shall deliver certified copy of survey, &c.,	20 87
may appoint chief clerk,	21 87
violation of official duty—penalty,	22 88
salary, twelve hundred dollars per annum,	1 93
shall send duplicate copy of draft on county treasurer to county auditor,	130 121
may draw drafts on county treasurers,	134 122
remit penalty incurred by county treasurer,	135 122
shall compute mileage of county treasurers for going to express office to transmit state moneys,	149 124
shall transmit name of town to county auditor to be altered,	6 139
RELATIVE TO TAXES.	
ascertain property or business of banks, for purposes of taxation, and add penalty, when,	20 161
draw draft for taxes so assessed,	20 161
shall distribute taxes collected by state treasurer, how,	22 162
may order county auditor to make deduction in valuation of real property, when,	47 169
shall prescribe form of abstracts for county auditors,	53 170
credit county with amount of tax abated,	75 174
send to county auditor statement of per centum to be added to, or deducted from, valuation of real property,	84 177
notify county auditors of rate of state tax,	84 177
decide questions relating to taxes,	84 177
publish decisions on revenue laws,	85 177
RELATIVE TO BANKS, ETC.	
duty to issue circulating notes,	1 253
limited as to signing bills or notes,	17 256
shall be notified when owner of any bank is desirous of relinquishing business,	24 257
may give up securities of bank, when,	24 257
after what notice, he may give up securities,	25 258
securities deposited with, by banks held exclusively for redemption of circulating notes,	27 258
shall destroy returned notes,	28 258
destroy notes when, and in presence of whom,	28 258
receive mutilated notes and exchange,	29 258
publish quarterly report of banks,	34 259
transmit a summary of bank reports to legislature,	34 259
destroy dies and plates of closed banks, in presence of the governor,	37 260
securities deposited in his office, to be examined by a committee of the legislature,	38 260
to give bond—sureties to be approved by the governor,	40 260
not to be directly or indirectly interested in any bank as an individual banker,	40 260
fees for issuing notes,	41 260
fees for redeeming notes,	42 260
may compel banks to comply with the law,	44 261
commence an action to annul the existence of bank, when,	44 261
shall present abstract of railroad report to legislature,	43 271
is ex-officio commissioner of land office , his powers and duties,	2 318
shall keep a record of bonds belonging to school fund,	51 324

1871-173-174

1871-178

1872-83

1871-179

MINNESOTA STATUTES 1866

1873-231

1873-149-148

	Sec.	Page.
STATE AUDITOR, shall draw warrants for expenses of state prison, - - - - -	62	675
settle with warden of state prison, - - - - -	75	675
STATE BOARD OF EQUALIZATION, who compose, - - - - -	83	176
shall meet and equalize value of real property among the different counties, - - - - -	83	176
rules for making such equalization, - - - - -	83	176
STATE LAND OFFICE, established, - - - - -	1	317
state auditor ex officio commissioner of, - - - - -	2	318
STATE LANDS, penalty for trespass upon, - - - - -	36	322
purchaser of, may make payment, when, - - - - -	38	322
STATE LIBRARIAN. See LIBRARIAN, - - - - -	—	90
STATE LIBRARY, consists of what, and where kept, - - - - -	45	90
examined annually by committee of legislature, - - - - -	46	90
kept open, when, - - - - -	50	91
books, who may remove, - - - - -	51	91
books not to be removed from capitol, - - - - -	52	91
number of books taken at same time, - - - - -	52	91
book removed improperly, with consent of librarian,—penalty, - - - - -	53	91
person removing book improperly, with or without consent of librarian,—penalty, - - - - -	54	91
penalty for injuring, destroying or losing book, - - - - -	55	91
laws relating to library to be posted therein, - - - - -	59	92
STATE NORMAL SCHOOLS, location of first state normal school at Winona, - - - - -	1	315
second state normal school at Mankato, - - - - -	2	315
third state normal school at St. Cloud, - - - - -	3	315
when five thousand dollars are donated for second normal school, state shall furnish an equal sum, - - - - -	4	315
when five thousand dollars are donated for third normal school, state shall furnish an equal sum, - - - - -	5	315
if said donations are made, schools shall not be removed for ten years,—otherwise, may be located elsewhere, - - - - -	6	315
state normal board, how composed, - - - - -	7	315
each director to take oath,—term of office, - - - - -	8	315
treasurer to give bond, - - - - -	8	315
powers and duties of state normal board, - - - - -	9	315
normal board may appoint prudential committee,—their powers and duties, - - - - -	10	316
terms of admission of students, - - - - -	11	316
diploma shall be license to teach, - - - - -	11	316
normal board shall make annual report, - - - - -	12	316
normal directors shall visit normal schools, - - - - -	13	316
rights of normal school at Winona preserved, - - - - -	14	317
STATE PRISON. See JAILS AND PRISONS, - - - - -	—	666
STATE ROADS. See ROADS, CARTWAYS AND BRIDGES, - - - - -	—	190
STATE TAX, in what funds payable, - - - - -	33	89
state auditor shall notify county auditor of rate of, - - - - -	84	177
STATE TREASURER, shall pay fees of electors of president and vice president, - - - - -	28	60
is—commissioner of public printing, - - - - -	1	76
entitled to copy of laws, to be delivered to successor, - - - - -	33	83
shall pay warrant for charges for transporting laws, - - - - -	35	83
keep office at capitol, use seal, and have charge of public moneys, - - - - -	23	88
give bond and take oath, - - - - -	24	88
keep account of receipts and disbursements, - - - - -	25	88
receive, pay and cancel warrants of state auditor, - - - - -	26	88
deposit such warrants quarterly with state auditor, and take receipt therefor, - - - - -	27	88
make annual report to legislature, - - - - -	28	88
make report to governor when requested, - - - - -	28	88
not purchase or receive warrants for less than par, - - - - -	29	88
not receive fee or reward for doing official business, - - - - -	29	88
be liable for neglect to collect public revenue, - - - - -	30	88
liable to summary judgment in favor of state, - - - - -	31	89
further to indictment for felony, - - - - -	31	89
liability to state takes precedence of all other debts, - - - - -	32	89
shall receive what, in payment of public dues, - - - - -	33	89
salary of, one thousand dollars per annum, - - - - -	1	93
shall require affidavit of county treasurer that orders, &c., were received at par, - - - - -	143	123
notify attorney general of default of officers of bank to pay draft for taxes, - - - - -	21	161
receive and preserve standard weights and measures, - - - - -	1	223
is state sealer of weights and measures, - - - - -	2	223
shall give certificate to foreign insurance company, when, - - - - -	118	284
renew such certificate, when, - - - - -	121	285
revoke certificate or license, when, - - - - -	123	286
transmit statement of moneys received from sales of public lands to commissioner of land office, - - - - -	18	320

1873-51

1869-30

1873-233

1868-166

1869-107

MINNESOTA STATUTES 1866

854

GENERAL INDEX.

	Sec.	Page.
STATE TREASURER, may call on county treasurer for money, when,	44	323
STATUTE OF FRAUDS, title relating to,	—	334
STATUTE OF LIMITATIONS, title relating to,	—	450
STATUTES, rules for construction of,	1	74
take effect, when,	2	75
general, not to take effect till published,	2	75
repeal of, does not revive former law,	3	75
repeal of, affects no right accrued, duty imposed, penalty incurred, or proceeding commenced,	3	75
private, how set forth in pleading,	93	462
private, how set forth in indictment,	13	646
general, chapter relating to,	—	676
STEALING, from the person, how punished,	14	604
property exceeding \$100 in value, how punished,	15	604
same, less than \$100 dollars in value, how punished,	15	604
railroad tickets, is larceny,	16	605
STEARNS COUNTY, boundaries of,	63	110
included in seventh judicial district,	24	417
STEELE COUNTY, boundaries of,	64	110
included in fifth judicial district,	22	417
STEVENS COUNTY, boundaries of,	65	110
included in seventh judicial district,	24	417
attached to Stearns county for judicial purposes,	33	419
STOCKHOLDERS, bank shares to be personal property—how transferable, and liability of,	14	255
in corporations other than banks,	9	265
private property of, how levied on,	10	265
may inspect books of corporation at all times,	50	272
subscribers in corporations neglecting to pay assessment to, forfeit stock,	161	292
shares in corporation not to be issued for less than par,	161	292
executor, administrator, guardian and trustee may vote as,	164	292
may be made parties to action against corporation, when,	15	544
mode of proceeding in such case,	16	544
of corporation, when liable,	21	545
court to determine liabilities of,	22	545
STOLEN GOODS, receiving with guilty knowledge, how punished,	18	605
justice to have jurisdiction,	19	605
receiver of, may be tried before thief,	20	605
officer making arrest to secure goods, make schedule, &c.,	21	605
STREETS. <i>See</i> ROADS, CARTWAYS AND BRIDGES,	—	190
in village, supervisors may improve, when,	50	145
how vacated,	12	235
notice of application to vacate, how given,	13	235
shall not vacate, when,	14	235
STRUCK JURIES. <i>See</i> PETIT JURIES,	—	512
SUBMISSION, of matter in dispute to court, without action,	7	568
judgment in such case, how entered,	8	568
to arbitrators. <i>See</i> ARBITRATORS,	—	586
of claim for labor and materials, how made,	4	590
SUBPOENA, in contested elections,	47	64
coroner may issue,	216	135
county auditor may issue,	47	169
county commissioner may issue,	43	196
for subscribing witness to deed, may issue, when,	16	330
may issue in controversy concerning town site,	7	337
probate court may issue,	7	365
from justice, how served,	43	427
who may issue in civil cases,	1	519
service of, in such cases,	2	519
fees allowed for travel in serving,	19	509
blank, for defendant in criminal case,	11	596
inspectors of state prison may issue,	32	671
SUICIDE, assisting in, manslaughter in first degree,	9	593
SUMMONS, when and how served in action against county,	79	113
same, in action against town,	86	149
how served on trustees of school districts,	79	314
may issue to adverse claimant of town site lands,	7	337
in justice's court, shall contain, what,	10	423
shall be void if not filled up before delivery to officer,	10	423
is the first process unless otherwise provided,	11	423
service of, how and when made,	11	423

	Sec.	Page.
SUMMONS , service made by publication, when,	12	423
returnable, when, in case of publication,	13	423
shall be deposited in post office, directed to defendant, when,	13	423
may be served by person empowered by justice,	14	423
service of, deemed commencement of action,	13	451
delivery for service deemed attempt to commence action,	14	452
service in civil actions , title relating to,	—	455
how subscribed, and what to contain,	44	455
shall contain notice,	45	455
not served till complaint is filed,	46	456
by whom served,	47	456
how served,	48	456
served by publication, when,	49	456
publication, where made, and for what time,	50	457
service of, how proved,	53	457
same, gives court jurisdiction,	54	457
voluntary appearance, equivalent to,	54	457
garnishment , summons may issue, when,	147	470
same, style of parties,	147	470
in justice's court, to contain what, and how served,	148	470
notice to defendant, how given,	148	470
in district court, what to contain, and how served,	149	470
notice to defendant, how given,	149	470
proceedings supplementary to judgment , title relating to,	—	486
may issue to parties not originally summoned,	256	486
same, to heir, devisees, or legatees of deceased party,	257	486
shall be subscribed by attorney, and contain, what,	258	258
be accompanied by affidavit that judgment has not been satisfied,	259	486
foreign corporations , bill relating to service on,	—	494
service by delivering copy to president, secretary, or managing agent,	1	494
force and effect of such service,	1	494
act to have full effect notwithstanding inconsistent provisions of general statutes,	2	494
in forcible entry and detainer , shall issue, when,	3	572
how served and returned,	4	572
if defendant is absent from county, how issued and when returnable,	6	572
form of,	20	574
SUNDAY , notes, &c., maturing on, when payable,	3	226
court not to be opened on—exception,	7	415
excluded, if last day of time within which act is to be done,	68	459
labor on, prohibited,	19	622
includes what period of time,	20	622
civil process not to be served on,	21	622
penalty for disturbing religious meetings on,	23	623
SUPERINTENDENT OF PUBLIC INSTRUCTION , colleges, &c., subject to his		
visitation,	63	274
shall be one of board of Minnesota deaf, dumb and blind institute,	18	296
who is such officer ex officio,	40	306
SUPERVISORS . See TOWN SUPERVISORS ,	13	140
in towns, are fence viewers,	14	140
SUPREME COURT , chapter relating to,	—	413
powers of,	1	413
shall prescribe and publish rules,	2	413
decision shall be in writing,	3	413
judgment may be entered, when,	3	413
syllabus shall be filed with clerk,	4	413
same, shall be furnished by clerk to daily papers of St. Paul,	4	413
power of judge of, in vacation,	5	413
general terms of ,	6	413
absence of two judges, the court to adjourn,	7	413
same, of all the judges, clerk may adjourn,	8	414
special term may be called,	9	414
on failure or continuance of term, causes to stand over,	10	414
costs in, discretionary,	16	497
jurisdiction of, over writs of mandamus,	12	555
over writs of prohibition,	14	556
over writs of habeas corpus,	22	557
may suspend or remove attorneys,	18	584
SURETY , entitled to judgment against principal, on motion, when,	116	436
may maintain action to compel payment of debt for which he is bound,	110	464

1868-9-10

MINNESOTA STATUTES 1866

856

GENERAL INDEX.

	Sec	Page
SURETY , on bond in action to obtain possession of personal property, may be excepted to,	119	465
notice of justification of, given, when,	120	465
justification of, may be waived,	121	465
qualification of,	122	465
manner of justification,	123	465
approval of, indorsed on bond,	124	465
may compel contribution, when,	298	493
have benefit of judgment to enforce contribution, when,	298	493
on recognizance may surrender principal,	19	629
SURVEY , to be by true meridian,	202	132
rule for subdividing quarter section,	203	132
for subdividing less than quarter section,	204	133
section and quarter section posts to be established, when and where,	205	133
of new road, or alteration of old one,	36	195
town site to be made,	1	233
premises for erection of mill dam, right to make,	21	241
See SURVEYOR GENERAL OF LOGS AND LUMBER ,	—	243
of lands for cemetery,	101	281
plank road or turnpike,	129	287
SURVEYOR GENERAL , of logs and lumber, title relating to,	—	243
shall be elected annually, by legislature, for each district,	6	243
keep office, where,	7	243
take oath and give bond,	8	243
bond and oath shall be filed with county auditor,	9	243
may appoint deputies,	10	244
shall make survey, give scale bill, and record same,	11	244
not officially survey logs, &c., owned by himself,	11	244
make allowance in survey for rotten and crooked stuff,	12	244
keep written rule or scale of logs posted in his office,	13	244
use Scribner's rule—how,	13	244
survey logs running out of booms, make scale bills, &c.,	14	244
place on logs surveyed the purchaser's scale mark, when,	15	244
effect of such scale mark,	15	244
shall note delivery of scale bill, on margin of record thereof,	15	244
fees , lien for fees, and how enforced,	16	245
shall keep what bonds of record,	17	245
not be required, except by officer, to scale logs for any one without order in writing,	18	245
certificate of, evidence of what,	19	246
shall not scale logs unless marks are recorded,	20	247
make annual report to legislature,	21	247
record mortgages, liens, &c., when,	22	247
conveyance, lien, mortgage, or transfer, not valid unless recorded,	22	247
shall put minimum price on pine timber,	52	325
SWORN , shall include "affirm," when,	1	74
SYLLABUS of decisions of supreme court shall be published,	63	92

1868-62

T

TALESMEN , may be summoned in justice's court, when,	142	442
how drawn and summoned in district court,	12	513
returned,	13	513
qualifications of,	14	513
may be called on struck juries,	15	514
TAXES , chapter relating to,	—	152
what property subject to taxation,	1	153
definition of certain terms for purposes of taxation,	2	154
property exempt from taxation,	3	155

LISTING.

list of personal property shall be made for taxation,	4	155
lessee of property held under lease of ten years shall list same,	5	156
every person to make statement on oath, when,	6	156
statement shall contain, what,	7	156
oath required when there is no property to list,	8	157
property to be listed at its true value in money,	9	157
value of minerals listed separately, when,	9	157

1868-50

1868-57

MINNESOTA STATUTES 1866

GENERAL INDEX.

857

	Sec. Page.
TAXES , no deductions allowed,	10 158
merchants shall give average value of property used in business, - - - - -	11 158
manufacturers shall give average value of stock, &c., - - - - -	12 158
person commencing business prior to first Monday in June, to give probable average value, &c., - - - - -	13 159
broker to report average value of property, &c., - - - - -	14 159
penalty for not making report, - - - - -	15 159
corporations (other than bankers,) to furnish list, - - - - -	16 159
officers of banks to make verified statement, - - - - -	17 160
rules for making statement, - - - - -	18 161
who shall make statement as banker, broker or stock jobber, - - - - -	19 161
penalty on officers of bank failing to make statement, - - - - -	20 161
taxes, how collected of bank officers, - - - - -	20 161
state treasurer shall commence action, when, - - - - -	21 161
such taxes, how distributed when collected, - - - - -	22 162
county auditors to enter statement on duplicate, - - - - -	23 162
fifty per cent. penalty added, when, - - - - -	24 162
DUTIES OF ASSESSORS.	
shall take oath and give bond, - - - - -	25 162
effect of failure to do so, - - - - -	25 162
assessment of property, shall make, when, - - - - -	26 162
shall leave with each person notice to make statement of property for taxation, at same time shall deliver form of statement required, - - - - -	26 162
notice of amounts assessed and of meeting of board of equalization, - - - - -	26 162
effect of failure to deliver such notice, - - - - -	26 162
shall ascertain value of property, when, - - - - -	27 163
may examine persons on oath, as to value of property, - - - - -	27 163
may return value from general reputation, when, - - - - -	28 163
shall deliver list of names, &c., to county auditor, - - - - -	29 163
also deliver statements received, - - - - -	30 164
take list of real property subject to taxation since last listing, - - - - -	31 164
new structures , shall estimate value of, - - - - -	31 164
shall make deduction for structures destroyed, - - - - -	31 164
take oath and attach same to his return, - - - - -	32 164
assess value of each tract of land, - - - - -	33 165
may have land surveyed, when, - - - - -	33 165
shall return expense of survey to county auditor, - - - - -	33 165
value of buildings noted separately, when, - - - - -	33 165
shall note number of acres of plow land, &c., - - - - -	33 165
enter, with consent of owner, all buildings, to determine value thereof, - - - - -	34 165
make return to county auditor of real property in his district, - - - - -	35 165
return shall contain, what, - - - - -	35 165
shall give description of burying grounds, school houses, &c., - - - - -	36 166
value all exempt property, &c., - - - - -	36 166
assistant assessor , may appoint, - - - - -	37 166
DUTIES OF COUNTY AUDITORS.	
transfer for taxation on general list, in case of partition, shall be made, - - - - -	38 166
shall make such transfer in other cases, - - - - -	39 166
furnish list of lands transferred, to assessor, - - - - -	39 166
make transfer on presentation of deed, - - - - -	40 167
may have survey made, when, - - - - -	40 167
refuse to make transfer, or cancel it if made, when, - - - - -	40 167
indorse statement of transfer on deed, when, - - - - -	40 167
shall indorse "taxes paid," or "taxes not paid," on deed, - - - - -	40 167
town plat shall not be recorded until taxes are paid, - - - - -	41 167
shall place lands and lots in numerical order on duplicate, - - - - -	42 167
deliver assessment roll of lands and lots, which have become subject to taxation, to assessor, annually, - - - - -	43 168
direct assessor when to return assessment roll, - - - - -	43 168
assessment roll , shall make out, biennially, and deliver same to assessor, - - - - -	44 168
shall also make out map and plat books, - - - - -	44 168
add fifty per centum to valuation of assessor, when, - - - - -	45 168
correct tax duplicate as changed by county commissioners, - - - - -	45 168
not to receive statement from person desiring to make it, after assessor's return is filed, when, - - - - -	46 168
omissions in return of assessor, corrected, - - - - -	46 168
shall notify assessor of such omissions, - - - - -	46 168
ascertain value of land omitted, if assessor does not, and add same to list, - - - - -	46 168
may correct return of assessor, when and how, - - - - -	47 169
correct mistakes in name of owner, &c., - - - - -	48 169

1873-225

MINNESOTA STATUTES 1866

858

GENERAL INDEX.

	Sec. Page.
TAXES , shall not make deduction of valuation of real property, except when so ordered, v	48 169
may correct valuation of new structures, -	49 169
taxable property , shall make complete list of, -	50 169
shall make blank forms and send them to town clerk, for use of assessors, -	51 170
send biennially to state auditor an abstract of real property in each township, -	52 170
send annually to state auditor an abstract of the duplicate of his county, -	53 170
also, abstract of number and value of enumerated articles, &c., -	53 170
amount of levy , on each tract and lot, he shall determine, adding taxes omitted, &c., -	54 170
shall deliver grand duplicate to county treasurer, -	55 171
attend to settle with county treasurer, -	55 171
take list of taxes uncollected from duplicate, -	55 171
certify balance due state, county, &c., and make record of such delinquencies, -	55 171
open account with each township, city, village, &c., -	56 171
give order on county treasurer, to town, city, village and school district treasurer, -	56 171
list of delinquent lands , shall send to state auditor, -	57 171
shall file statement of taxable property of each township, in separate bundles, -	58 171
make record of delinquent list, -	59 171
apportion moneys received from sale of forfeited lands to their several funds, -	60 172
charge county treasurer with moneys by him received, -	61 172
send annual list of lands on which payments have been made, to state auditor, -	61 172
give order for money paid on void sale, and charge county treasurer therewith, -	62 172
publish each year any part of delinquent list omitted the previous year, -	63 172
certificate of taxes due, &c., shall give, when required, -	64 172
shall draw order for money paid on sale of land described in such certificate, -	64 172
transfer, on duplicate to purchaser, lands sold for taxes, -	65 172
is entitled to ten cents for making transfer, -	65 172
penalty for neglect to make transfer, -	65 172
shall charge treasurer with taxes on land returned delinquent, when receipt is produced, -	66 172
bring action to collect the amount, -	66 172
charge cost of advertising on land, when, -	67 173
allowed cost of defending action, when, -	68 173
shall apportion and collect same, how, -	68 173
neglecting to perform duty relating to taxes—penalty, -	69 173
rate of taxation allowed, -	70 173
shall furnish blanks to assessors for taking products of the soil, -	71 173
send same, when returned, to state auditor, -	71 173
ascertain net taxes collected for each fund, -	72 174
DUTIES OF COUNTY COMMISSIONERS.	
annually determine amount of county tax, -	72 174
may add fifty per cent. to rate of taxation, when, -	73 174
levy amount to pay interest on floating debt, -	74 174
shall have delinquent list publicly read, when, -	75 174
may cause taxes deemed uncollectable to be stricken from list, -	75 174
shall direct county treasurer to collect delinquent taxes, -	75 174
may abate taxes and penalties, when, -	76 174
may fix rate of tax not exceeding ten mills, -	78 174
shall not contract debt larger than tax of current year will pay, -	79 175
violation of such provision—penalty, -	80 175
COUNTY BOARD OF EQUALIZATION.	
who compose board—meeting and proceedings, -	81 175
county auditors shall lay before said boards, valuation of property, maps, lists, returns, &c., -	82 176
duties of auditor and board, -	82 176
STATE BOARD OF EQUALIZATION:	
who constitute state board—time of meeting—proceedings, -	83 176
DUTIES OF STATE AUDITOR.	
state auditor shall send to each county auditor statement of rate per centum to be deducted from or added to valuation of real property, -	84 177
shall give notice of rate of state tax, -	84 177
cause decisions of attorney general to be published, -	85 177
DUTIES OF COUNTY TREASURER.	
county treasurer is collector of all taxes, and of fines and penalties, -	86 177
may appoint deputies, and is liable for their acts, -	86 177
shall post and publish notices of amount of tax, &c., -	87 178
attend in each township at day named to receive tax, -	87 178
receive orders in payment of taxes, -	88 178
give receipt for taxes paid, -	89 178
omit to collect tax of person presenting certificate of county auditor, -	90 178

MINNESOTA STATUTES 1866

	See	Page
TAXES , shall distraint for taxes, when,	91	178
give notice of sale, &c.,	91	178
taxes on personal property, paid at any time before distress,	92	179
shall file affidavit with clerk of court relative to personal property tax, not collected,	93	179
keep office open to receive taxes,	94	179
note county to which delinquent tax-payer has removed, on margin of return,	95	179
forward to county treasurer of such county, statement of delinquent taxes,	96	179
county treasurer receiving such statement, shall collect,	97	179
shall be allowed what fees for collecting,	97	179
have what powers to collect such taxes,	98	180
remit taxes collected to proper county,	98	180
return statement if unable to collect,	98	180
may collect tax of non-resident, how,	99	180
distribution of taxes collected,	100	180
fees , for making distress and sale,	101	180
shall return duplicate and make settlement,	102	180
pay over moneys to town-treasurers, take and file receipts,	103	180
penalty for failing to do so,	103	180
MISCELLANEOUS.		
guardians and others liable to pay tax,	104	181
duty to pay taxes each year,	105	181
guardian refusing to pay, how liable,	106	181
executor refusing to pay, how liable,	107	181
agent refusing to pay, how liable,	108	181
agent paying taxes, allowed compensation,	109	181
certain persons failing to pay taxes, how liable,	110	182
taxes on land held in common, how paid,	111	181
public lands taxable as soon as sold,	112	182
stock and personal property, how listed,	113	183
leased land and improvements, if delinquent, how sold,	114	182
lien of state attaches, when,	115	182
when as between grantor and grantee,	115	182
lands sold or forfeited, returned on duplicate and taxed,	116	182
TAXES, WHEN PAYABLE,		
taxes are payable in January and February of each year,	117	182
delinquent tax and penalty may be paid before June,	118	183
ADVERTISEMENT AND SALE OF DELINQUENT LANDS,		
list of delinquent lands, when published and what to contain,	119	183
creditor to insert notice in record of delinquent list,	120	183
shall compare list with duplicate,	121	183
sale of delinquent lands , how and when made,	122	183
shall commence with first tract in list,	123	183
each tract offered and not purchased by individuals, shall be struck off to state,	124	183
purchaser , at tax sale, shall pay what,	125	183
county auditor shall attend sales and make record,	126	184
deliver certificate to purchaser,	127	184
county surveyor shall make survey, when,	127	184
certificates of purchase are assignable,	128	184
forfeited land may be purchased at any time before redemption,	129	184
REDEMPTION OF LAND.		
time of redemption, two years,	130	185
applications to redeem, by whom and to whom made,	131	185
redemption , how made	132	185
parties jointly interested may redeem, how,	133	185
auditor shall publish notice of redemption, when,	134	185
redemption money shall be paid to purchaser,	135	186
value of improvements must be paid, when,	136	186
forfeited land , not redeemed, becomes absolute property of the state,	137	186
county auditor shall execute deed on sale by state,	138	186
survey may be made, when,	139	186
effect of tax deed,	140	186
purchaser of joint interest to have what rights,	141	186
lien of state transferred to purchaser,	142	187
same, remains, though sale proves void,	142	187
mistake in name of owner not to invalidate sale, when,	143	187
county auditor to make deeds in certain cases,	144	187
may make deed of land not in his county, when,	145	187
shall keep record of deeds made by him,	146	187
keep record of redemptions,	147	187

MINNESOTA STATUTES 1866

860

GENERAL INDEX.

		Sec.	Page
TAXES , county auditor may issue new certificate, when,	-	148	187
survey may be made, when,	-	149	187
deed shall be executed—effect of deed,	-	149	187
if sale is declared void, money shall be refunded,	-	149	187
tax purchaser may have partition,	-	150	188
rights of purchaser at tax sale,	-	151	188
tax deed , effect of same,	-	151	188
lien-holder may pay taxes and have additional lien,	-	152	188
tax recoverable by action, when,	-	153	189
limitation of actions to test validity of tax proceedings,	-	154	189
taxes to be refunded when sale is held void,	-	155	189
same, on land heretofore forfeited, how payable,	-	156	189
forfeited lands, not redeemed prior to June, 1866, to be subject to provisions of chapter,	-	157	189
act takes effect, when,	-	158	189
CEMETERIES.			
property of cemetery association exempt from,	-	109	282
private cemetery, lot exempt from,	-	115	283
for support of district schools, how levied and collected,	-	27	354
in maintaining common schools, how levied and collected,	-	35	305
SCHOOL LANDS.			
school lands exempt from,	-	36	305
board of education determine amount of annual tax for maintaining, what,	-	71	312
independent school districts, how levied and collected,	-	74	313
to pay judgment against trustees of school district, collected, how,	-	82	314
TAX DUPLICATE , shall be returned to county auditor, when,	-	133	122
TEACHERS , in district schools, shall pass examination,	-	32	304
shall procure register,	-	33	304
examiner of, appointed by county commissioners,	-	28	304
may be re-examined,	-	30	304
shall be paid out of first money in treasury,	-	34	305
examination of, how conducted,	-	51	307
certificate issued to,	-	51	307
TELEGRAPH COMPANIES. See CORPORATIONS ,	-	—	261
may obtain right to use public road, how,	-	28	268
TENANT , not affected by judgment and partition,	-	9	533
failing to pay rent, landlord may proceed, how,	-	15	540
TENANT IN COMMON , purchaser of land of, at tax sale, has what right,	-	141	186
may have partition of real property,	-	1	532
mode of procedure in actions for partition of real property, &c.,	-	2	532
may have property sold, when,	-	12	533
occupant liable to co-tenant,	-	15	534
rights of, in certain cases,	-	16	534
See ACTIONS CONCERNING REAL PROPERTY ,	-	—	538
TENANTS FOR LIFE , conveyance by, of greater estate than is possessed, does not work forfeiture,	-	5	328
estate of, may be set off, or sold,	-	23	535
estate of, when changed to fee,	-	9	344
effect on estate of, of power to devise the inheritance,	-	12	344
special and beneficial power may be granted to,	-	15	344
power of, to make leases, assignable, when,	-	16	344
may release such power,	-	17	344
mortgage by, binds power,	-	18	345
TENDER , by defendant, effect on costs,	-	11	496
TERM OF OFFICE , of county officers commences, when,	-	42	64
in case of election to fill vacancy,	-	43	64
appointment to fill vacancy,	-	43	64
TESTIMONY. See WITNESSES AND EVIDENCE ,	-	—	518
in contested election, how taken,	-	48	64
of witnesses before coroner's jury, to be taken in writing,	-	218	135
notes of, jury may take, on retiring to consider verdict,	-	213	480
on examination before magistrate, reduced to writing,	-	15	634
given at trial of capital case, sent to governor,	-	4	664
THANKSGIVING DAY , governor to appoint,	-	2	86
notes, &c., maturing on, when payable,	-	3	226
THREATENING , with intent to extort money, &c., how punished,	-	38	601
same, to compel one to do any act against his will,	-	38	601
TIE , in election for members of congress and electors of president and vice president—proceedings,	-	23	59
same, to fill vacancy in office of elector,	-	26	60

1868-20

1868-99
1872 94

MINNESOTA STATUTES 1866

GENERAL INDEX.

861

	Sec.	Page.
TIE, in election of state officers or members of legislature,	34	62
county officers,	37	63
county commissioners,	90	116
TIME, of commencing actions, title relating to,	—	450
within which an act is to be done, how computed,	68	450
of publishing legal notices, how regulated,	69	459
what is included in the Lord's day,	20	622
TITLE TO REAL PROPERTY BY DESCENT, chapter relating to,	—	353
lands shall descend, how,	1	353
illegitimate child, when considered an heir,	2	354
estate of, shall descend, how,	3	354
degrees of kindred, how computed, &c.,	4	354
advancement , how considered,	5	354
when to exclude heir from further portion,	6	354
how estimated,	7	354
gifts and grants to be deemed, when,	8	355
value of, how estimated,	9	355
how considered if the heir dies before the intestate,	10	355
construction of chapter,	11	355
inheritance or succession by right of representation, defined,	12	355
posthumous children considered as living at death of parents,	12	355
TODD COUNTY, boundaries of,	66	111
included in seventh judicial district,	24	417
attached to Morrison county for judicial purposes,	33	419
TOLL, for sluicing logs, to be fixed by county commissioners,	46	252
payable, when and how collected,	47	252
rate of, on plank roads,	133	288
on turnpikes,	134	288
persons exempt from paying,	135	288
illegal, penalty for taking,	146	290
printed lists of rates shall be posted up,	148	290
persons not paying, may be detained,	149	290
TOLL GATE, location of, may be changed by commissioners of county, when,	136	288
notice of order to open—how served,	140	289
shall remain open till two supervisors grant certificate,	141	289
when part of road is in adjoining county,—proceedings, how taken,	142	289
company owning gate may appeal from refusal to grant certificate,	142	289
penalty for not obeying order to throw open gate,	143	290
penalty for detaining traveler, or taking illegal toll,	146	290
printed lists of rates of toll to be posted up,	148	290
persons not paying toll may be detained,	149	290
penalty for willfully running,	152	291
legislature power over,	154	291
TOLL GATHERER, judgment against, how collected,	147	290
TOWN. <i>See</i> TOWNSHIP ORGANIZATION,	—	138
word may include cities and districts,	1	74
how organized, vacated and bounded,	104	118
organized by county commissioners, when,	1	139
fraction of, how disposed of,	2	139
may be divided, when,	2	139
shall be named according to wish of voters,	3	139
description of, shall be recorded by county auditor,	5	139
two towns not to have same name,	6	139
general powers ,	7	140
shall exercise no corporate powers except those granted,	9	140
actions or proceedings by or against town, how brought,	10	140
conveyance of land for use of town, effect of,	10	140
by-laws shall not take effect till posted up,	11	140
effect of such laws, duly made and posted,	11	140
shall elect supervisors, clerk, treasurer, assessor, two justices of the peace, two constables, and one overseer for each road district,	13	140
office, who eligible to,	33	143
officers chosen shall take oath of office,	34	143
forfeiture of officer in certain cases,	43	144
officers of, hold office how long,	44	144
failure to elect officers, who may appoint,	45	144
refusing to elect, proceedings,	47	144
shall pay expenses of infected person, when,	58	145
may maintain action on bond of town clerk,	64	146
charges against, by whom settled,	71	147

MINNESOTA STATUTES 1866

862

GENERAL INDEX.

	Sec.	Page.
TOWN,		
taxes, payable in town orders,	75	147
entitled to balance of proceeds of sale of animals impounded,	83	149.
actions by or against, how regulated,	84	149
shall sue and be sued by its name, when,	85	149
required to appear and plead, when,	86	149
papers in action, on whom served,	87	149
shall not bring action before justice of peace of such town,	88	149
action for trespass on town lands, how regulated,	89	149
partition of property of, may be had,	90	150
judgment against, execution to issue, when,	91	150
town property only liable,	91	150
shall erect guide posts,	93	150
determine where guide posts shall be erected,	95	150
penalty for failure to do so,	95	150
in trial therefor, town estopped, when,	95	150
may adopt substitute for guide posts,	95	150
penalty for failure to erect and maintain guide posts,	97	151
what are deemed town charges,	100	151
expenses of, to be levied on taxable property of town,	101	151
each town constitutes an election district,	106	151
power to contract debts, how limited,	107	151
rate of tax leviable for town purposes,	78	175
shall not contract debt larger than tax levied for current year will pay,	79	175
not bound by contract in violation of such provision,	80	175
shall be divided into road districts,	1	190
pay costs of appeal from order of supervisors, when,	44	196
pay damage, charge, &c., for opening roads,	48	197
may be allotted road district partly in another town,	50	197
TOWN CLERK, shall keep ballot box,	3	54
shall give notice of elections,	4	54
preserve list of electors,	16	57
is entitled to copy of laws,	33	83
shall deliver same to successor,	33	83
give notice of town meeting,	12	140
shall record statement filed for special town meeting, and post and publish notice of such meeting,	17	141
shall call electors to order at such meetings, and keep minutes of the proceedings,	19	141
sign minutes of the proceedings,	23	142
be chosen by ballot,	25	142
keep poll list,	27	142
enter result of canvass in minutes, and read same to meeting,	31	142
notify each person elected of his election,	32	143
shall take oath of office,	34	143
file certificate of oath in his office,	35	143
effect of refusal to file oath or bond,	36	143
penalty for performing duties before taking oath,	43	144
term of office, one year,	44	144
vacancy in office of, how filled,	45	144
may resign office, how,	48	144
has custody of town records and papers,	63	146
shall record minutes of town meetings, file accounts, &c.,	64	146
execute bond, which shall be filed with clerk of court,	65	146
transmit to clerk of district court names of each constable,	66	146
transmit notice to said clerk, of election of justice of the peace,	67	146
neglect to make such return is a misdemeanor,—punishment,	68	147
shall post notices of by-laws, and make record thereof,	69	147
read report of supervisors at town meeting,	74	147
countersign order of town board,	75	147
be clerk of town board and keep record of proceedings,	76	147
fees of,	82	148
shall transmit annually to county auditor amount of tax to be levied in his town,	77	174
notify person appointed overseer to fill vacancy,	5	191
deliver lists, filed by overseers, to supervisors,	8	191
file petition, &c., for laying out road,	35	195
file order of supervisors,	36	195
file and record order laying out road, &c., when,	37	195
record notice of taking up stray,—fees,	3	216
send certified copy of notice to register of deeds, when,	6	216
file copies of writs of attachment, and keep record,	134	467

1873-221

MINNESOTA STATUTES 1866

GENERAL INDEX.

863

	Sec.	Page.
TOWN MEETING , shall choose judges and clerks of election, - - - - -	2	54
designate place of holding elections, - - - - -	2	54
names of electors need not be registered, - - - - -	73	69
first town meeting , how and where called, - - - - -	4	139
held annually, on first Tuesday of April, - - - - -	12	140
notice of annual meeting, how and by whom given, - - - - -	12	140
officers elected at, - - - - -	13	140
power of electors at, - - - - -	15	140
special town meeting , held to fill vacancies, &c., - - - - -	16	141
how called, - - - - -	16	141
moderator to be chosen, - - - - -	19	141
moderator shall state business and order of transacting it, - - - - -	20	141
reconsideration of vote, must be moved within what time, - - - - -	20	141
challenges, how conducted, - - - - -	21	142
qualifications of voters, - - - - -	22	142
minutes shall be filed with town clerk, - - - - -	23	142
how officers shall be chosen, - - - - -	25	142
minutes shall be recorded, - - - - -	64	146
report of supervisors to be read by clerk, - - - - -	74	147
amount of account allowed by, to be paid by treasurer, - - - - -	75	147
may reduce or increase compensation of town officers, - - - - -	82	148
discontinue pounds, - - - - -	99	151
TOWN OFFICERS , shall be chosen at town meeting, - - - - -	15	140
persons assuming office, shall make demand of his predecessor, for all books, &c., - - - - -	102	151
belonging to the office, - - - - -	103	151
persons filling vacancy, shall make like demand, - - - - -	104	151
persons going out of office, shall deliver on oath, books, &c., to successor, - - - - -	105	151
officer dying, who shall make demand, - - - - -	105	151
TOWN PLATS , chapter relating to, - - - - -	—	233
site of town or addition to be surveyed and a plat made, - - - - -	1	233
lots how numbered, size of—size stated on plat, - - - - -	2	233
corners to be established to survey from, - - - - -	3	233
plat to be certified, acknowledged and recorded, - - - - -	4	233
effect of making, executing and recording plat, as to donations, grants, &c., - - - - -	5	233
plat, where recorded when county is unorganized, - - - - -	6	234
county commissioners may have defective plat corrected and recorded, - - - - -	7	234
fee of register and surveyor, - - - - -	8	234
selling lots, before complying with requirement of law, penalty, - - - - -	9	234
officers failing to perform duty, penalty - - - - -	10	234
fines, &c., how prosecuted and recovered, - - - - -	11	234
may be vacated by district court, - - - - -	12	235
notice of application to vacate, how given, - - - - -	13	235
proceedings on hearing, - - - - -	14	235
TOWNSHIP , is an election district, - - - - -	2	54
fraction of, attached to adjoining town, when, - - - - -	2	139
limits and boundaries of, to remain as now established, - - - - -	6	139
TOWNSHIP ORGANIZATION , chapter relating to, - - - - -	—	138
TOWN SITES. See OFFICIAL TRUSTS, - - - - -	—	336
TOWN SUPERVISORS , are judges of election, - - - - -	2	54
may divide township into two election districts, - - - - -	2	54
shall preserve ballot box, - - - - -	3	54
chairman of, is entitled to copy of laws, - - - - -	33	83
shall deliver same to successor, - - - - -	33	83
elected when, - - - - -	13	140
are fence viewers , by virtue of their office, - - - - -	14	140
shall be chosen by ballot, - - - - -	25	142
take oath of office, - - - - -	34	143
file certificate of oath with town clerk, - - - - -	35	143
effect of neglect to file oath and bond, - - - - -	36	143
chairman to approve bond of town treasurer, - - - - -	38	143
shall approve bond of constable, - - - - -	40	143
indorse his approval on bond and file it, - - - - -	40	143
approve bond of justice of the peace, - - - - -	41	143
penalty for performing duties before taking oath, - - - - -	43	144
term of office , - - - - -	44	144
may fill vacancies in town offices, - - - - -	45	144
vacancy in board of, remaining officers may act, - - - - -	46	144
may accept resignations of town officers, - - - - -	48	144
shall draw orders on treasurer, and have charge of affairs not committed to other officers, - - - - -	49	145

MINNESOTA STATUTES 1866

	Sec. Page.
TOWN SUPERVISORS , shall improve streets of incorporated village, when, - - - - -	50 145
872-64 constitute board of health, - - - - -	51 145
may examine into nuisances and make regulations, - - - - -	52 145
shall publish or post notice of regulations and by-laws, - - - - -	53 145
order owner of property to remove nuisance, - - - - -	54 145
may cause nuisance to be removed, if owner does not, - - - - -	55 145
enter building or vessel to remove nuisance, - - - - -	56 145
remove infected person to separate house, - - - - -	58 145
shall provide for such person in house where found, when, - - - - -	59 146
may remove persons in neighborhood, when, - - - - -	59 146
shall provide hospital and cause sick persons to be removed there, - - - - -	60 146
prosecute actions for benefit of town, - - - - -	61 146
pay moneys collected by such actions to town treasurer, - - - - -	61 146
two supervisors form a quorum, - - - - -	62 146
shall fix amount of bond of town clerk, - - - - -	65 146
constitute town board to audit accounts, - - - - -	70 147
shall meet annually—not allow account unless items are specific, - - - - -	71 147
audit accounts of town treasurer and other officers, - - - - -	72 147
give report in detail, and make estimate of expenses for ensuing year, - - - - -	73 147
orders issued to any one by supervisors, shall be received in payment of town taxes, - - - - -	75 147
fees of , - - - - -	82 148
shall pay owner of animal sold by pound master, balance of proceeds of sale, - - - - -	83 149
papers to be served on chairman of board, who shall attend to defence of action, - - - - -	87 149
shall add amount of judgment to town tax, and certify same to county auditor, - - - - -	92 150
submit report concerning guide posts, to annual meeting, - - - - -	94 150
penalty for neglect, - - - - -	95 150
shall determine names of places to be put upon guide board, - - - - -	96 150
ROADS AND BRIDGES.	
shall have charge of roads and bridges, - - - - -	1 190
divide town into road districts, and assign inhabitants to each, - - - - -	1 190
render annual account to town meeting, - - - - -	2 191
appoint overseer of road district to fill vacancy, - - - - -	4 191
file warrant of appointment with town clerk, - - - - -	5 191
meet at office of town clerk, - - - - -	7 191
ascertain and assess road tax for ensuing year, - - - - -	8 191
shall assess road tax on real estate, - - - - -	9 191
certain inhabitants two or more days, work, - - - - -	9 191
shall prepare, sign and file list, - - - - -	9 191
cause copies of list to be delivered to overseers, - - - - -	10 192
collect fine of overseer for not delivering list, - - - - -	27 194
return lists to county auditor, - - - - -	28 194
apply arrearages collected, on roads and bridges, - - - - -	28 194
so apply unexpended moneys paid by overseer, - - - - -	31 194
so apply fines collected of overseers for failing to render account, - - - - -	32 194
may alter, discontinue or lay out road, when, - - - - -	33 194
notice of petition for laying out road shall be given, - - - - -	35 195
shall cause survey to be made, when, - - - - -	36 195
have report of survey, with plat, &c., filed with clerk, - - - - -	36 195
may make agreement as to damages, - - - - -	38 195
shall assess damages, when - - - - -	38 195
assessment may be appealed from, - - - - -	39 195
shall have notice of appeal, - - - - -	42 196
open road if so directed by county commissioners, - - - - -	46 196
of two towns, shall meet and decide as to road running into both towns, - - - - -	49 197
they may make such decision as they think proper, - - - - -	50 197
shall divide such highway into road districts, - - - - -	51 197
shall cause position and allotment of highway to be recorded, - - - - -	52 197
give land owner notice to remove fences, - - - - -	54 197
remove fences if owner does not, - - - - -	54 197
give notice in case of appeal from their decision, when, - - - - -	55 197
not lay out public road less than four rods wide, - - - - -	56 197
may lay out cartways two rods wide, - - - - -	56 197
PARTITION FENCES.	
shall examine partition fences, when, - - - - -	3 213
give certificate of value, and fees, - - - - -	4 213
may assign share of fence to each party, - - - - -	5 213
shall make division by writing, signed, sealed, &c., - - - - -	7 213
may assign share of expense of erecting fence to party in default, - - - - -	8 213
shall determine whether brook, &c, is a sufficient fence, - - - - -	10 214

MINNESOTA STATUTES 1866

GENERAL INDEX.

865

	Sec. Page.
TOWN SUPERVISORS , may determine where fence may be built, when,	11 214
divide fence on lands occupied in common, when,	12 214
assign time in which to build fence,	13 214
assess value of fence when one party ceases to improve,	14 214
shall determine value of fence on land previously uninclosed,	15 214
one supervisor to be taken from each town, when,	16 215
neglect to view fence, penalty,	20 215
fees of , and by whom paid,	21 215
ESTRAYS, ETC.	
shall appraise value of estray,	4 216
keeping estray,	8 217
fees of, for certificate of appraisal, &c.,	9 217
shall make complaint of violation of game laws,	7 223
appoint sealer of weights and measures in each township, when,	4 224
-are road inspectors —their powers and duties,	137 289
grant certificate, when,	141 289
fees of,	144 290
TOWN TREASURER , shall take oath of office,	34 143
effect of failure to file oath or bond,	36 143
shall give bond to town supervisors,	38 143
bond shall be approved and recorded,	39 143
effect of failure to take oath and give bond,	42 144
penalty for performing duties before taking oath,	43 144
term of office , one year,	44 144
vacancy in office of, how filled,	45 144
may present resignation of office to supervisors,	48 144
accounts of, by whom audited,	72 147
shall pay audited accounts,	75 147
receive and disburse town moneys,	77 147
keep true account of moneys received and paid out,	78 148
deliver books, &c., to successor,	78 148
draw money from county treasurer,	79 148
be allowed what fees,	79 148
make annual statement, which shall be filed with town clerk and recorded,	80 148
penalty for not complying with provisions of last four sections,	81 148
shall pay judgment against town, when,	91 150
personally liable to pay such judgment , when,	91 150
shall present certificate of office to county auditor before obtaining order for money due town,	56 171
TRANSCRIPT , of judgment before justice, certified for purpose of set-off,	61 429
shall be filed by justice, with what papers,	62 429
of justice's judgment may be filed with clerk of court,	70 430
becomes a lien on real estate of defendant,	71 431
of docket entries to be filed by justice on appeal,	106 435
TRAVERSE COUNTY , boundaries of,	67 111
included in seventh judicial district,	24 417
attached to Stearns County for judicial purposes,	33 419
TREASON , chapter relating to,	— 596
against this state, consists in what,	1 596
punishment of,	2 596
misprison of, how punished,	3 596
to convict of, two witnesses required,	4 596
TREASURER OF DEAF AND DUMB AND BLIND INSTITUTE —duties and compensation,	21 207
shall give bond,	23 297
money, how drawn,	24 297
TREASURER OF INDEPENDENT SCHOOL DISTRICT —compensation of, how fixed,	60 309
shall give bond—duties,	67 310
TREASURER OF SCHOOL DISTRICT —duties of,	14 301
shall give bond—effect of failure to give bond,	15 301
to make annual report,	16 301
orders on, drawn by clerk,	20 302
shall pay teachers out of first money in treasury,	34 305
TREASURER OF STATE . See STATE TREASURER ,	— 88
TREASURER OF STATE NORMAL SCHOOL , shall give bond,	8 316
TREES , rule of damages for cutting, on land of another,	28 541
TRESPASS , by cutting trees on land of another—damages,	28 541
damages may be mitigated, when,	29 541

56

1868-118

1873-136

MINNESOTA STATUTES 1866

866

GENERAL INDEX.

	Sec.	Page
TRESPASS , willful, on garden, orchard, &c., how punished,	45	609
on private property, girdling trees, carrying away wood, earth, &c., how punished,	47	609
TRIAL , of person accused, before justice, time of,	134	441
manner of,	136	441
by justice, if jury is waived,	137	441
by jury, how procured,	139	441
challenge for cause, allowed on trial by jury,	144	442
proceedings on,	145	442
of appeal, in criminal case, in district court, how regulated,	150	443
of assault, battery or affray, not indictable,	157	443
civil actions , title relating to,	—	454
of action, to recover real property, place of,	38	454
same, for partition of real property,	38	454
foreclosure of mortgage of real property,	38	454
to recover personal property distrained,	38	454
to recover penalty or forfeiture,	39	454
against public officer,	39	454
in other cases, shall be had, where,	40	455
against non-resident, commenced by attachment,	41	455
place of, may be changed, when,	42	455
is the judicial examination of issues,	196	478
notice of , when to be given,	200	478
may be brought on by either party,	202	478
separate, allowed, when,	203	478
continuance , may be obtained, when,	204	478
by jury , title relating to,	—	479
jury, how empaneled,	205	479
plaintiff shall pay jury fee,	206	479
ballots, how kept,	207	479
challenges, how taken,	208	479
order of trial,	209	479
jury may have view of property or place, when,	210	479
trial may begin anew, when,	211	479
the court , title relating to,	—	481
may be had by consent, in what actions,	223	481
decision shall be given in writing—facts and conclusions of law stated separately,	224	481
court is always open, for all business except trial of issues of fact,	226	481
may grant order to show cause, when,	227	482
by referees , title relating to,	—	481
may be had by consent, how,	228	482
same, when parties do not consent,	229	482
number and qualifications of referees,	230	482
conduct of trial—powers of referees,	231	482
report of referees, how to stand,	231	482
referees shall all meet, but any two may act,	232	483
irregularity in proceedings, ground of new trial,	235	483
criminal cases , mode of, provisions relating to,	—	655
accessory, after the fact, to a felony,	6	593
place of, for false imprisonment and kidnapping,	43	601
same, in county where indictment is found,	1	654
on application by state,	5	654
of indictment by jury of county, where found ,	2	655
same, had in absence of defendant, when,	3	655
continued, when,	4	655
separate , allowed, when,	6	655
one defendant discharged to be witness for state,	7	655
same, to be witness for co-defendant,	8	655
juror examined as witness, when,	9	656
view, may be ordered,	10	656
questions occurring on, by whom decided,	11	656
court shall charge jury,	12	656
jury shall be kept, how,	13	656
may take what papers,	14	656
may return into court for information concerning law or testimony,	15	656
be discharged if one falls sick,	16	656
second trial had, when,	17	656
verdict , in case of indictment for offense consisting of different degrees,	18	656
same, where there are several defendants,	19	657
jury asked concerning,	20	657

MINNESOTA STATUTES 1866

GENERAL INDEX.

867

	Sec.	Page.
TRIAL, shall be recorded and read to jury,	21	657
in case of insanity,	22	657
court may hear evidence to mitigate or aggravate punishment,	23	657
TROUT, penalty for catching, &c., between 15th September and 1st April,	5	222
same, for catching at any time except with hook and line,	5	222
TRUST, in goods or things in action, grant of, void, when,	9	334
arises on general power, when,	22	345
same, on special power, when,	23	345
power is imperative, when,	24	345
same, created by will, shall be executed by district court, when,	29	345
creditor can compel execution of, when,	31	345
<i>See OFFICIAL TRUSTS,</i>	—	336
<i>See USES AND TRUSTS,</i>	—	340
TRUSTEES, shall list trust property for taxation,	4	155
may vote as stockholders,	164	292
not personally liable as stockholders,	165	292
of estate for use of another, takes no estate,	5	340
of express trust, to possess whole estate,	16	342
sales by, void, when,	21	342
misconduct of, not to affect other parties,	22	342
estate of, ceases, when,	23	342
death of, trust how executed,	24	342
resignation of, accepted, when,	25	342
removal of, when obtainable,	26	342
may be appointed to take charge of wife's property, after divorce,	22	411
court may revise order appointing trustees,	25	412
of express trusts, who is,	28	453
costs recoverable by and against,	12	496
when appellant, court may dispense with bond,	15	578
TRUSTEES OF COLLEGES AND SEMINARIES, powers of,	59	274
may require other officers to give bond,	60	274
shall make annual report,	61	274
legal process may be served on,	62	274
TRUSTEES OF RELIGIOUS CORPORATIONS, to have seal, and manage real and personal estate of corporation,	73	276
general powers of,	74	276
may erect and repair churches and parsonages,	75	276
make by-laws, rent pews, &c.,	76	277
appoint clerk and treasurer,	77	277
<i>meetings</i> of, how called and conducted,	78	277
shall hold office three years,	79	277
expiration of term of office, clerk to give notice of,	80	277
election of, how conducted,	81	277
not to fix salary of minister,	84	278
may sell or mortgage real estate,	85	278
descent of lands held by,	87	278
certificate of appointment of, given by minister, when,	88	278
when they may execute certificate—effect of certificate,	89	278
TRUSTEES OF SCHOOL DISTRICT, shall take steps to perfect title to school lands,	3	299
their powers and duties, and who are,	10	300
each to visit schools in his district,	11	300
shall procure teachers,	12	300
may determine who may attend school from other districts, and expel scholars,	33	304
<i>penalty</i> if scholar expelled without sufficient cause,	33	305
may prosecute actions, how,	77	313
actions against, how brought,	78	313
process, how served,	79	314
<i>judgment</i> against, how collected,	80	314
if judgment not paid, trustees to add amount, with interest, to tax of district,	82	314
TURNPIKES. <i>See</i> FLANK ROADS AND TURNPIKES,	—	286
TYPOGRAPHICAL ERRORS, shall be disregarded, when,	1	74

U

UNCLAIMED PROPERTY, title relating to,	—	218
personal property consigned, to be entered in book by consignee,	15	218
owner to be notified of reception,	16	218

MINNESOTA STATUTES 1866

868

GENERAL INDEX.

	Sec.	Page.
UNCLAIMED PROPERTY , not removed within one year, may be sold,	17	218
notice of sale , how and when given,	18	218
consignee shall make affidavit, and file it with justice,	19	218
property shall be inventoried by justice, and order of sale made,	20	219
sale by constable how made,	21	219
proceeds of sale to be returned to parties,	22	219
proceeds of sale, how disposed of,	23	219
surplus paid to owner, when,	25	219
perishable property , not claimed, sold when,	27	219
fees of justice and constable,	28	219
UNITED STATES LANDS , actions by persons holding claims on,	—	575
UNITED STATES SENATOR , title relating to,	—	73
election of,	17	73
when, shall be declared elected,	19	73
certificate of election of, how given,	21	83
governor may appoint, when,	24	74
USES AND TRUSTS , chapter relating to,	—	340
abolished, except as authorized and modified in statutes,	1	340
executed uses confirmed as legal estate,	2	340
party entitled to possession of lands, deemed to have legal estate therein,	3	340
estate of trustees in existing trust not to be divested,	4	340
trustees for use of another, take no estate,	5	340
express trusts and resulting trusts, excepted,	6	341
no trust results from grant to one for money paid by another,	7	341
conveyance in such case presumed fraudulent, and trust results in favor of creditors,	8	341
party taking conveyance without knowledge of the person paying consideration, or	9	341
in violation of trust, takes subject to a trust,	10	341
resulting or implied trust not to prejudice title of bona fide purchaser,	11	341
express trusts created for what purposes,	12	341
devise of lands to executors vests no estate, but is valid as a power,	13	341
surplus of rents of lands held in trust, liable to creditors, when,	14	341
express trust to be valid as a power in trust,	15	341
descent of lands embraced in power in trust,	16	342
trustees of express trust to possess whole estate,	17	342
same, excepted cases,	18	342
estate not embraced in express trust, to remain or revert, where,	19	342
trust interests assignable, when,	20	342
effect of omitting trust in conveyance,	21	342
sale , by trustee, void, when,	22	342
misapplication of payments by trustees not to affect innocent parties,	23	342
estate of trustee ceases, when,	24	342
death of trustee, trust shall vest, where,	25	342
resignation of trustees,	26	342
removal of trustee,	—	551
USURPATION OF OFFICE OR FRANCHISE, ETC. , chapter relating to,	—	551
against party usurping or forfeiting office, brought, when,	3	551
name of complainant to be joined as party with state,	5	552
complaint shall contain what, in action usurping office,	6	552
claimant obtaining judgment, entitled to what,—may recover damages,	7	553
all claimants may be joined in one action,	8	553
judgment in, how rendered,—court may impose fine,	9	553

1868 - 6

1872 - 55

1870 - 12-13

V

VACANCY , in office, when filled at annual election,	34	62
occurring in district which has been divided,	39	63
person elected or appointed to fill, shall qualify immediately,	43	64
when filled by election or appointment, term of office,	43	64
in office of senator in congress, during session of legislature,	23	74
same, happening during recess of legislature, governor to appoint,	24	74
in office of county commissioner, how filled,	95	116
of register of deeds, how filled,	102	117
of justice or constable, how filled,	108	118
caused by removal of county auditor, how filled,	113	119
for any cause , how filled,	116	119
in office of county treasurer, how filled,	128	121
in such office, caused by removal of county treasurer by county commissioners,	137	122

	Sec.	Page.
VACANCY, caused by removal for not giving new bond, how filled,	142	123
in office of sheriff, how filled,	167	127
county attorney, how filled,	187	130
county surveyor, how filled,	206	133
clerk of district court, how filled,	230	137
in office , happens when,	2	137
occurring during recess of legislature, how filled,	4	138
appointee shall qualify, how,—continue to act how long,	5	138
when filled by appointment, such appointment to continue, how long,	6	138
to be filled at town meeting,—notice to be given,	18	141
in town office, how filled,	45	144
board of appointment,	46	144
office of overseer of highways, how filled,	4	191
in corporations, how filled,	158	291
agricultural college board, how filled,	6	295
board of education, how filled,	62	309
VARIANCE, between allegations and proof not material, when,	100	463
material, when,	101	463
what not deemed,	102	463
VENUE, CHANGE OF, court may allow, when,	42	455
parties may stipulate for,	42	455
in criminal cases , defendant may have,	1	654
defendant can have but one change,	1	654
when allowed, trial how conducted,	2	654
same, recognizance required,	3	654
witnesses shall recognize,	4	654
state may have, when,	5	654
VERDICT, title relating to,	—	480
court always open to receive verdict,	214	480
informal or insufficient, may be corrected,	215	480
shall be recorded and read to jury,	216	480
is either general or special—definitions,	217	480
jury may render either general or special,	218	480
special verdict controls general,	219	480
amount of, jury to assess,	220	480
value of property and damages to be assessed, when,	221	481
when rendered, shall be entered in minutes of court,	222	481
not justified by evidence, or contrary to law, ground for new trial,	235	483
form of, in forcible entry and detainer,	20	574
in criminal case , what, when indictment includes different degrees,	18	656
what, in case of several defendants,	19	657
jury may be asked concerning,	20	657
proceedings on reception of,	21	657
in case of insanity of defendant,	22	657
VERIFICATION OF PLEADINGS, in justice court, how made,	29	425
in district court, how made,	87	461
VESSELS. See ACTIONS AGAINST BOATS AND VESSELS,	—	568
destroying, with intent to injure insurer, how punished,	35	607
equipping with intent to destroy, to injure insurer, how punished,	36	607
owner of, making false invoice of cargo, how punished,	37	607
master or officer of, making false affidavit or protest, with intent, &c., how punished,	38	608
VIEW, court may order, in civil cause, when,	210	470
same, in criminal cause,	10	656
VOTE, list of persons entitled to, shall be made,	5	55
shall be by ballot, at general election,	10	56
canvassed, when,	12	56
challenge of, how conducted,	65	67
VOTER. See ELECTOR, in Index, 777.		

W

WABASHAW COUNTY, boundaries of,	68	111
included in third judicial district,	20	417
WADENA COUNTY, boundaries of,	69	111
included in seventh judicial district,	24	417
attached to Crow Wing county for judicial purposes,	33	419
WARDEN, of state prison, salary,	1	93

MINNESOTA STATUTES 1866

870

GENERAL INDEX.

	Sec. Page
WARDEN. <i>See</i> STATE PRISON,	— 670
WAREHOUSEMEN. <i>See</i> UNCLAIMED PROPERTY,	— 218
converting or fraudulently selling goods consigned, is guilty of larceny,	25 606
making false receipt, &c., how punished,	31 607
WARRANT, drawn by state auditor, how printed,	13 87
how entered in record,	14 87
canceled when redeemed,	26 88
shall be returned quarterly to state auditor,	27 88
not be purchased at less than par by state treasurer,	29 88
coroner shall issue, to summon jury—form of warrant,	213 134
of coroner to arrest accused, how returnable,	221 135
of commitment for contempt, void, unless specific,	124 437
justice may issue, on complaint made,	132 441
of arrest for contempt, how executed,	7 580
same, of officer for failing to execute warrant,	10 580
of execution, governor shall issue when,	2 597
may be issued by governor for fugitive from justice,	2 626
fugitive arrested on, when,	3 626
may issue to prevent crime, when,	3 628
arrest without, <i>see</i> ARREST,	— 630
magistrate may issue, on complaint made,	2 632
may be executed in any county, when,	3 632
governor to issue, in capital case,	3 664
same, may delay or forbear issuing, when,	10 665
duty of sheriff in executing,	12 665
of pardon, how issued,	1 666
same, officer shall make return,	2 666
WASECA COUNTY, boundaries of,	70 112
included in fifth judicial district,	22 417
WASHINGTON COUNTY, boundaries of,	71 112
included in fifth judicial district,	18 417
WASTE, not to be committed by tenant in dower,	22 362
<i>1869-78</i> on property subject to redemption, how stayed,	296 492
rule of damages in action for,	26 541
judgment in such case,	27 541
WATONWAN COUNTY, boundaries of,	72 112
included in sixth judicial district,	23 417
attached to Blue Earth county for judicial purposes,	33 419
WAY, right of, how obtained by corporations,	13 265
how taken by telegraph corporations,	28 268
how taken by railroad corporations,	29 268
WEAR. <i>See</i> DAMS AND BOOMS,	3 242
WEIGHTS AND MEASURES, chapter relating to,	— 223
<i>1869-106</i> where deposited,	1 223
state treasurer, sealer of, for state,	2 223
county treasurer, sealer of, for county,	3 223
weights, and measures to be tried, proved and sealed by state standard,	3 223
sealer of, in township, supervisors to appoint,	4 224
township set, to be tried, sealed and proved by county set,	5 224
two bushel measure, dimensions of,	6 224
bushel, half-bushel and peck, dimensions of,	7 224
measures for selling milk, dimensions of,	8 224
standard hundred weight,	9 224
same, bushel, by weight, for wheat, corn, &c.,	10 224
persons using weights and measures in their business must get them sealed,	11 224
penalty for neglect,	11 224
neglect of county treasurer to procure set of, penalty,	12 225
if procured within twenty days after notice of action, no action is maintainable,	13 225
WIFE, <i>See</i> MARRIED WOMEN,	— 453
not bound by covenant in deed,	2 328
minority of, does not affect validity of deed,	2 328
<i>72-106</i> WINONA COUNTY, boundaries of,	73 112
included in third judicial district,	20 417
WILLS, chapter relating to,	— 355
who may devise lands,	1 356
construction of devise,	2 356
after acquired lands, shall pass, how,	3 356
who may bequeath personal property,	4 356
how executed,	5 356
nuncupative, when valid,	6 356

	Sec.	Page.
WILLS, legacy to subscribing witnesses, void, when, - - - - -	7	356
share of estate to subscribing witness, saved, when, - - - - -	8	356
how revoked, - - - - -	9	356
custodian of , to deliver to whom, when, - - - - -	10	357
executor to present will, and accept trust, when, - - - - -	11	357
penalty of executor or custodian neglecting to deliver, - - - - -	12	357
custodian, refusing to deliver, may be imprisoned, - - - - -	13	357
notice of probate, - - - - -	14	357
probate granted, when, - - - - -	15	357
when other witnesses may be admitted to prove, - - - - -	16	357
not effectual unless proved—effect of probate, - - - - -	17	357
proved and allowed in other states, how allowed here, - - - - -	18	357
notice of hearing to be given, - - - - -	19	357
if allowed, copy to be recorded, - - - - -	20	358
letters testamentary, &c. , to be granted, - - - - -	21	358
share of child, born after will is made, - - - - -	22	358
provision for child, in case of omission by accident, - - - - -	23	358
same, from what estate to be taken, - - - - -	24	358
issue of deceased legatee shall take, when, - - - - -	25	358
estate of testator liable for debts, - - - - -	26	358
provisions of , to be followed, - - - - -	27	359
same, not sufficient for paying debts, estate to be resorted to, - - - - -	28	359
estate devised, how liable for payment of debts, - - - - -	29	359
estate liable for payment of debts, may be retained by executor, - - - - -	30	359
when devisee, legatee or heir shall hold subject to liability to contribute, - - - - -	31	359
who are liable for loss in case of insolvency of persons liable to contribute, - - - - -	32	359
probate court to settle amount of liabilities by decree, - - - - -	33	359
proven, to have certificate—how made evidence, - - - - -	34	359
attested copy of, to be recorded in registry of deeds, - - - - -	35	360
term executor, defined, - - - - -	36	360
<i>See</i> LETTERS TESTAMENTARY AND OTHER PROCEEDINGS ON PROBATE OF A WILL, - - - - -	—	367
real estate not to be sold against provision of, - - - - -	56	397
guardians may be appointed by, - - - - -	6	400
child born after making, how provided for, - - - - -	34	549
witness to, also devisee—provision as to, - - - - -	35	549
WITNESSES, shall attend before coroner—penalty for neglect, - - - - -	216	135
shall be sworn—form of oath, - - - - -	217	135
testimony shall be reduced to writing, - - - - -	218	135
shall give recognizance, when required by coroner, - - - - -	220	135
subject to commitment for refusal to recognize, - - - - -	220	135
Indians may be, when, - - - - -	13	209
two, required to execution of deeds, &c., - - - - -	7	329
to deeds, &c., may be subpoenaed, - - - - -	16	330
penalty for not appearing, - - - - -	17	330
subpcena, how served on, - - - - -	43	427
attachment may issue against, when, - - - - -	44	427
shall be brought before justice, - - - - -	45	427
is also liable in damages to party subpoenaing him, - - - - -	46	427
deposition of , may be taken, when, - - - - -	47	427
may be examined on commission issued by justice, - - - - -	50	428
be summoned in criminal case by warrant, - - - - -	132	441
on continuance of cause, may be verbally notified to attend, - - - - -	163	444
required to appear and answer in proceedings supplementary to execution, - - - - -	302	493
disobedience to order of court in such case, a contempt, - - - - -	307	494
compelled to answer, but answer not evidence in criminal prosecution, - - - - -	308	494
fees of , - - - - -	7	505
not obliged to attend unless fees for one day are paid or tendered, - - - - -	8	505
fees of, in criminal cases, - - - - -	9	505
of, to be proved in justice's court, - - - - -	18	509
of only two witnesses to same fact, in justice's court, allowed, - - - - -	20	509
in criminal cause to have allowance, when, - - - - -	39	511
may be compelled to attend without payment of fees in advance, - - - - -	41	511
clerk to certify amount of fees, when, - - - - -	42	512
oath of , - - - - -	5	517
two required to convict of treason, - - - - -	4	596
appearing to have committed perjury, may be held to answer, - - - - -	5	613
may be kept separate, when, - - - - -	14	634
testimony of, reduced to writing, when, - - - - -	15	634
shall give recognizance to appear, when, - - - - -	19	634
give other security, when, - - - - -	20	634

MINNESOTA STATUTES 1866

872

GENERAL INDEX.

	Sec.	Page.
WITNESSES , failing to recognize, shall be committed,	22	634
one joint defendant may be, for state,	7	655
same, for co-defendant, when,	8	655
juror shall be, when,	9	656
WITNESSES AND EVIDENCE , chapter relating to,	—	518
WITNESSES.		
subpoenas for, who may issue,	1	518
how served,	2	518
failing to attend when subpoenaed, liable in damages,	3	520
guilty of contempt,	4	520
court may issue attachment for,	5	520
definition of ,	6	520
who may be,	7	520
parties not allowed as, when,	8	520
who are not competent as,	9	520
persons holding certain relations may be, when,	10	520
may affirm, when,	11	521
mode of administering oath, most binding to be used,	12	521
to be sworn according to ceremonies of his religion,	13	521
court may examine, to ascertain capacity, &c.,	14	521
TAKING TESTIMONY WITHIN THE STATE.		
depositions authorized to be taken,	15	521
may be taken, when,	16	521
justice may issue notice, and appoint time and place for taking,	17	521
notice to take, on whom served,	18	521
service on one of several parties sufficient,	19	521
how and when served,	20	521
may be waived,	21	522
oath of deponent,	22	522
order of examination of deponent,	23	522
to be written by whom, and signed by deponent,	24	522
certificate , justice to annex—form of,	25	522
how disposed of,	26	522
not to be used, when,	27	522
objections , how and when taken,	28	522
may be used in second action, when,	29	523
on appeal, how,	30	523
witness may be compelled to give, when,	31	523
TAKING TESTIMONY OUT OF THE STATE.		
deposition of witnesses out of the state may be taken,	32	523
commission to take testimony of, shall issue, when,	33	523
interrogatories upon depositions to be taken out of state, how settled,	34	523
oaths and affidavits taken out of state, used as evidence, when,	35	524
PROCEEDINGS TO PERPETUATE TESTIMONY.		
of witness within the state , how to proceed,	36	524
notice, how and when given,	37	524
manner of taking and certifying,	38	524
record of, and certificate to be made,	39	524
may be used when,	40	524
witness compelled to give, how,	41	525
of witnesses out of the state , taken by commission,	42	525
application for commission, how made,	43	525
notice of application, when and how given,	44	525
commission granted, when,	45	525
how taken and returned,	46	525
how used, filed and recorded,	47	525
deposition may be taken in this state, to be used in other states,	48	525
FOREIGN LAWS.		
records of foreign courts admissible as evidence, when,	49	526
printed copies of statutes admissible as evidence,	50	526
of foreign states, evidence, when,	51	526
common law of state or territory of U. S., how proved,	52	526
reports of other states, evidence of law therein,	52	526
existence and effect of foreign laws, how proved,	53	526
DOCUMENTARY EVIDENCE.		
published notices may be filed, when and where,	54	526
printed notice of sale of real estate may be filed, when and where,	55	526
affidavit of publication , or copies duly certified, evidence,	56	526
printer, when evidence,	57	527
certificate to affidavit, how made,	58	527

MINNESOTA STATUTES 1866

GENERAL INDEX.

873

	Sec. Page.
WITNESSES AND EVIDENCE , limitation of preceding section,	59 527
instruments , how acknowledged and made evidence,	60 527
duty of register and clerk,	61 527
instruments , how indorsed and filed,	62 527
on file, how withdrawn,	63 527
may be examined by any person,	64 527
LOST INSTRUMENTS.	
lost instruments, certificate of, evidence,	65 527
copies and transcripts of papers duly certified, are evidence,	66 528
loss of papers, proof of,	67 528
evidence , of contents of lost bill or note, &c., allowed when,	68 528
bond to be given, when note is lost,	69 528
ACCOUNT BOOKS, RECORDS, ETC.	
books of account, evidence, when,	70 528
kept by clerk, admissible, when,	71 529
ledger to be produced, when,	72 529
entries of deceased person admissible, when,	73 529
minutes of conviction and judgment admissible, when,	74 529
docket of justice of peace, admissible, when,	75 529
transcript of docket admissible, when,	76 529
justice to have certificate of clerk, when used in another county,	77 529
proceedings before justice not reduced to writing, how proved,	78 529
certificate of conviction before justice, evidence when,	79 529
compliance of foreign judgment rendered by justice, evidence when,	80 529
court may compel party to permit inspection of documents, when,	81 530
possession of note, prima facie evidence of proper indorsement,	82 530
indorsement of money received on note, prima facie evidence of fact,	83 530
land office receipt, effect of as evidence,	84 530
patents of land, or duplicates, issued by U. S., may be recorded and used as evidence, how,	85 530
plats of surveys , when evidence,	86 530
conveyances and records thereof, evidence may be rebutted,	87 530
certificates and records of marriage, are evidence,	88 530
COMPETENCY AND EFFECT OF EVIDENCE.	
fact of marriage, how proved,	89 531
in prosecutions for forgery, &c., of notes and bank bills, what testimony receivable,	90 531
same, certificate of secretary of U. S. treasury, when receivable,	91 531
treasurer of any state receivable, when,	91 531
what evidence will sustain indictment for rape,	92 531
confessions , when inadmissible as evidence,	93 531
testimony of accomplice insufficient, unless corroborated,	94 531
in cases of libel, truth to be given in evidence, jury judges of law and fact,	95 531
divorces not to be granted on sole testimony of parties,	96 531
witnesses to wills who are devisees, provision as to,	35 549
WORDS , how construed,	1 74
WOUND , mortal, inflicted in one county, and death ensues in another, trial where,	21 647
same, without or within the state, and death within, trial, where,	22 647
WRIGHT COUNTY , boundaries of,	74 112
included in fourth judicial district,	21 417
WRITS , supreme court may issue,	1 413
may be issued by judge, in vacation,	5 413
district courts and judges may issue,	3 415
shall not abate from vacancy or change in office of judge,	11 416
issuing out of district court tested, how,	12 416
same, shall be sealed, dated, &c.,	13 416
shall be indorsed by clerk,	14 416
of attachment. See ATTACHMENT,	— 466
of certiorari , supreme court may issue,	1 413
of consultation , may issue, when,	18 556
of error , chapter relating to,	— 662
criminal cases may be removed to supreme court by,	1 662
by whom allowed in capital case,	3 662
writ, a stay, when,	4 662
clerk to transmit copy of judgment roll, &c.,	5 662
bill of exceptions ,	6 663
proceedings in appellate court,	7 663
recognizance, when and how given,	8 663
same, party not giving, shall be committed—duty of clerk,	9 663
dismissed, when, not to preclude taking another within time limited,	10 663

Wolverine County for destruction of
1872 - 84

MINNESOTA STATUTES 1866

874

GENERAL INDEX.

	Sec.	Page.
WRITS, of habeas corpus. <i>See</i> HABEAS CORPUS,	—	556
of injunction. <i>See</i> INJUNCTIONS,	—	475
of mandamus. <i>See</i> MANDAMUS,	—	554
of ne exeat, may issue, when,	—	415
of prohibition. <i>See</i> PROHIBITION,	—	556
of replevin, in justice's court, title relating to,	—	432
<i>See</i> CLAIM AND DELIVERY OF PERSONAL PROPERTY,	—	464
of restitution—shall not issue until 24 hours after judgment, when,	12	573
form of,	20	574
WRITTEN, and "in writing," how construed,	1	74

Y

YEAR, word is equivalent to expression, year of our Lord,	1	74
begins and ends, when, for purpose of reports to state officers,	39	84
same, for purpose of making reports to legislature or governor,	40	84